

NEPAL

HUMAN RIGHTS YEARBOOK 2009



Highlight of the Year

Challenges of Constitution Drafting Process

Human Rights Yearbook 2009

(ENGLISH EDITION)

(This Report Covers the Period - January to December 2008)

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Informal Sector Service Centre (INSEC)

Founded in 1988 as an independent, non-profit and non-partisan human rights organization, INSEC aims to cater human rights education and awareness to the grassroots people. INSEC runs its programmes through 5 regional offices, 40 local networks. In addition, 1 representative in all 75 districts have been permanently deployed to monitor the grassroots human rights situation.

INSEC General Assembly
held on 13 December 2005
has elected a new
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Human Rights Documentation and Dissemination Department

This department, involved in monitoring, study, investigation and documentation of incidents of human rights violation and abuses, publicises the report based on field study. The department gathers information on human rights violations and abuses through its 75 district representatives based at each district of the country. Publications including quarterly situation report, Nepal Human Rights Yearbook are prepared by this department. The department also maintains a human rights news portal, www.inseconline.org. The department takes initiative for immediate support to the victims, issues urgent appeals, maintains coordination with the national and international human rights institutions and stakeholders. Different books on human rights and social justice including audio visual materials are available in the resource centre of the department.

Human Rights Education Department

Through this department, INSEC disseminates human rights education in the coordination of local human rights organisations. To create awareness in the rural areas through literacy awareness programme, this department conducts human rights trainings and broadcasts human rights education programme through radio.

Human Rights Campaign and Advocacy Department

The main responsibility of this department is to exert pressure on the government to formulate policies, rules in compliance with the international human rights and humanitarian laws and identify the rights of the marginalised community. Review of law, monitoring of human rights treaties and programmes on human rights campaign are also conducted through this department.

Peace and Democracy Department

The main objective of this department is the capacity building of the members of the communities for the development of peace and democratic culture. This department is active on drawing attention of the state and stakeholders towards transitional justice and rehabilitating the internally displaced people. By forming alliances through this department, INSEC has been mobilising the communities for strengthening the democracy. Monitoring the parliamentary activities and coordinating with political powers for strengthening the democracy and pluralism are the additional works of this department.

Management Department

All the administrative and financial management of INSEC fall under this department. This department has been working for the employees' personal development through human resource management. Apart from helping for the development of INSEC affiliated organisations, this department has been carrying the works of planning, monitoring and evaluation. The department publishes regular reports under the organisation's information management work. This department also looks after the public relation and management of regular publications like Prachi, Informal, INSEC Abhiyan.

Establishment of Truth: Imperative Condition for Sustainable Peace

The Agreement between seven political parties and Maoists on 22 November 2005 prepared ground for abolishing the king's authoritarian rule and the monarchy. The political parties and Maoists signed half a dozen understandings and agreements before the Constituent Assembly elections on 10 April. Those agreements were incorporated in the Interim Constitution 2007 as inseparable organs of the Constitution. Part IV, Article 33 Sub-Article 19 of the Interim Constitution mentions the formation of a high-level Truth and Reconciliation Commission to investigate grave violations of human rights and crimes against humanity that were committed during the conflict and it is meant to create an atmosphere of reconciliation in the society. Part 4.4 of the decisions made in the meeting between the Seven Political Parties and Maoists held on 8 November 2006 was included in the Directive Principles of the State in the Interim Constitution. However, the decision of forming a high level joint monitoring committee to monitor the implementation status of all understandings and agreements, mentioned in part 5.1 of the same meeting was not executed.

NC President, Girija Prasad Koirala, led the government from 28 April 2006 until the formation of the Maoist-led government after the CA election. During his tenure, the government had not set up any structure for formation of commissions to investigate issues of disappeared persons, state re-structuring, truth finding or army integration. Likewise, the Maoist-led government has not fulfilled its commitments to assist in the dignified return of displaced persons to their places of origin, to return their property and to make public the whereabouts of disappeared persons.

A series of new demands emerged from the Madhes Movement that began on 16 January 2007. But the agreements the government made with different groups within this movement including indigenous groups, Tharus and Madhesis have not yet been implemented.

If the government really means to recognize the mandate of the NEPALI PEOPLE expressed, from time to time, since prior to 1951 till now, through historical struggles and people's movements for democracy, peace and progress, the creation of an environment of reconciliation through establishment of truth as the foundation stone is the preliminary stage for the state re-structuring.

Nearly 14,000 Nepali people lost their lives in the 10-year long 'people's war'. Thousands were displaced or disappeared. Seeds of hate and revenge were sown for generations to come. Innocent persons also became targets in the 'people's war' between the state and the Maoists. Likewise, much of the basic infrastructure that existed including roads, bridges, hospitals, electricity, drinking water and health posts were destroyed. As time has passed and the Maoists themselves have become a major partner in the government, they bear the heavy responsibility of reconstructing those ruins.

The establishment of the truth is a central part of the peaceful revolution that must take place in Nepali politics. This peaceful political revolution must identify and correct

the causes and consequences of the terrifying 10 year period of violence, suppression and injustice which continued even after the establishment of Loktantra. Only persons with self-realization and a brave heart will be able to materialize that revolution. The aim of the establishment of the truth will be complete when the future commission on disappeared persons establishes the truth about the conflict, when the victims and perpetrators are identified and when the details of planned, targeted and massive human rights violations are recognized. But there is also another important aspect of uncovering the truth. The state should answer the difficult question of why this country had to undergo such an environment and such acts of injustice. Only those having courage to accept the truth can recognize the future. Only persons with such a realization can create an environment for reconciliation.

Four forts should be constructed for the foundation of reconciliation and they are truth, justice, sympathy and peace. Truth is not established until it is confessed. Justice is not identified without accountability. Mutual sympathy does not well up without a sense of unity. Both sides of the armed conflict should test their past actions on the basis of these fundamental norms. They should promise that there will be no repetition of yesterday's pain. They should promise and act to protect the war heroes. They should realize that the distribution of money from state coffers in the name of compensation alone cannot win people's hearts and minds. The main goal for the government should be that the victims feel individual and collective justice. To identify the pain of victims and of perpetrators and to restore a collective entity and dignity is the prime responsibility of truth finding and reconciliation. In order to provide a sense of justice to the victims, the role and scope of a Truth and Reconciliation Commission should be established.

We have been documenting cases of human rights violations and abuses for the past 17 years to support the creation of a judicial and co-operative environment through the documentation and dissemination of the truth. We are glad to present the 17th edition of the Nepal Human Rights Yearbook 2009 to all. We wish for a steady decline in human rights violations next year.

18 February 2009

Subodh Raj Pyakurel
Chairperson

Acknowledgement

We express our sincere thanks to Royal Norwegian Embassy, EED and ICCO for their continued support on accomplishing this yearbook. Special thanks goes to INSEC District Representatives of all 75 districts working in the forefront on the very difficult situation including the Regional Offices. Many thanks to INSEC intern and students of Irish Institute of Human Rights Heather Curran, of Canada, Allison Honan of US and Deirdre Flanigan of Scotland for their contribution. We are also grateful for many well-wishers, friends for their feedbacks and invaluable suggestions for Human Rights Yearbook 2008. Also we would like to express our thanks to different political parties, Home Ministry, Ministry of Foreign Affairs, National Human Rights Commission and other agencies for their opinion on Human Rights situation in 2007.

Acronyms and Abbreviations

AHRC	: Asian Human Rights Commission
AI	: Amnesty International
AIG	: Additional Inspector General
ANFA-R	: All Nepal Farmer's Association (Revolutionary)
ANNFSU (United)	: All Nepal National Free Students' Union (United)
ANNFSU	: All Nepal National Free Students Union
ANNISU-R	: All Nepal National Independent Students' Union (Revolutionary)
ANWA-R	: ALL Nepal Women's Association (Revolutionary)
APF	: Armed Police Force
ASI	: Assistant Sub-Inspector
BPKIHS	: BP Koirala Institute of Health Sciences
CA	: Constituent Assembly
CAT	: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBEP	: Chure Bhawar Ekta Party
CDO	: Chief District Officer
CDT	: Citizenship Distribution Team
CEDAW	: Convention on the Elimination of All Forms of Discrimination Against Women
CERD	: International Covenant on the Elimination of All Forms of Racial Discrimination
CIAA	: Commission for the Investigation of Abuse of Authority
CJ	: Chief Justice
CoAS	: Chief of Army Staffs
CPA	: Comprehensive Peace Accord
CPN-M	: Communist Party of Nepal (Marxist)
CPN (Maoist)	: Communist Party of Nepal (Maoist)
CPN (ML)	: Communist Party of Nepal (Marxist-Leninist)
CPN (UML)	: Communist Party of Nepal (Unified Marxist-Leninist)
CRC	: Convention on the Rights of the Child
CWIN	: Child Workers in Nepal Concern Centre
DAO	: District Administration Office
DCWC	: District Child Welfare Committee
DDC	: District Development Committee
DTO	: Degrading Treatment or Punishment
DFO	: District Forest Office
DIT	: Detainees Investigation Team
DPO	: District Police Office

DSP	: District Superintendent of Police
EC	: Election Commission
ERW	: Explosive Remnants of War
EU	: European Union
FLNF	: Federal Limbuwan National Front
FLSC	: Federal Limbuwan State Council
FNJ	: Federation of Nepalese Journalists
Forum-Asia	: Asian Forum for Human Rights and Development
FSU	: Free Students' Union
GoN	: Government of Nepal
Govt.	: Government
HLPCC	: High Level Probe Commission
HoR	: House of Representatives
HR	: Human Rights
HRTMCC	: Human Rights Treaty Monitoring Coordination Committee
HUSEC	: Human Rights and Social Service Centre
ICC	: International Criminal Court
ICCPR	: International Covenant on Civil and Political Rights
ICESCR	: International Covenant on Economic, Social and Cultural Rights
ICJ	: International Commission of Jurists
ICRC	: International Committee of the Red Cross
IDP	: Internally Displaced Person
IED	: Improvised Explosive Device
IGP	: Inspector General of Police
IHL	: International Humanitarian Law
IHRL	: International Human Rights Law
ILO	: International Labour Organisation
INJSC	: Indigenous Nationalities Joint Struggle Committee
JC	: Judicial Council
JMCC	: Joint Monitoring Coordination Committee
JTMM-B	: Janatantrik Terai Mukti Morcha (Bisfot Singh)
JTMM-G	: Janatantrik Terai Mukti Morcha (Goit)
JTMM-J	: Janatantrik Terai Mukti Morcha (Jwala Singh)
KWP	: Kirant Workers' Party
MJF	: Madeshi Janadhikar Forum
MMT	: Madeshi Mukti Tigers
MoPR	: Ministry of Peace and Reconstruction
MP	: Member of Parliament
NA	: Nepal Army
NBA	: Nepal Bar Association
NC	: Nepali Congress
NDYU	: National Democratic Youth union
NEFIN	: Nepal Federation of Indigenous Nationalities

NGO	: Non-Governmental Organization
NHRC	: National Human Rights Commission
NMCC	: National Monitoring Committee on Code of Conduct for Ceasefire
NRSU	: Nepal Revolutionary Students' Union
NRTO	: Nepal Revolutionary Teachers' Organization
NRYO	: Nepal Revolutionary Youth Organization
NSP-A	: Nepal Saddbhawana party (Anandi Devi)
NSP	: Nepal Sadhbhawana Party
NSU	: Nepal Students' Union
NWPP	: Nepal Workers and Peasants Party
OCHA	: Office of Coordination on Humanitarian Assistance
OHCHR- Nepal	: Office of United Nations High Commissioner for Human Rights in Nepal
OMCT	: World Organization against Torture
PABSON	: Private and Boarding Schools' Organization, Nepa
PAPAD	: Professional Alliance for Peace and Democracy
PFN	: People's Front Nepal
PHSC	: Parliamentary Hearing Special Committee
PIL	: Public Interest Litigation
PLA	: People's Liberation Army
PM	: Prime Minister
PMCC	: Programme for Common Minimum Consensus
RCCC	: Royal Commission for Corruption Control
RJP	: Rastriya Janashakti Party
RNA	: Royal Nepal Army
RPP	: Rastriya Prajatantra Party
SAARC	: South Asian Association for Regional Cooperation
SC	: Supreme Court
SI	: Sub Inspector
SJTMM	: Samukta Janatantrik Terai Mukti Morcha
SP	: Superintendent of Police
SPA	: Seven-Party Alliance
SSP	: Senior Superintendent of Police
STF	: Special Task Force
TADA	: Terrorist and Disruptive Acts (Control and Punishment) Act, 2002
TADO	: Terrorist and Disruptive Acts (Control and Punishment) Ordinance, 2004
TMLP	: Terai Madhes Loktantrik Party
TRC	: Truth and Reconciliation Commission
UDHR	: Universal Declaration of Human Rights
ULF, Nepal	: United Left Front, Nepal
UN	: United Nations
UNHCR	: United Nations High Commissioner for Refugees

UNICEF	: United Nations Children's Fund
UNMIN	: United Nations Mission in Nepal
UTRM	: United Tharu Rastriya Morcha
VDC	: Village Development Committee
WGEID	: Group on Enforced or Involuntary Disappearance
YCL	: Young Communist League
TRMS	: Tarai Rastriya Mukti Sena
ATMM	: Akhil Tarai Mukti Morcha
LTTE	: Liberation of Tarai Tigers Elam
TMM	: Tarai Military Morcha
DJP	: Dalit Janajati Party
TC	: Tarai Cobra
TA	: Tarai Army
TJKP	: Tarai Janshakti Krantikari Party
SJMM	: Samyukta Janatantrik Mukti Morcha
JTMM (Prthivi)	: Janatantrik Tarai Mukti Morcha(Prthivi)
TUKS	: Tarai Utthan Krantrikari Samuha
RS	: Ranabir Sena
PR	: Proportional Representation
FPTP	: First-Past-the-Post
NEMA	: National Election Monitoring Alliance
NEOC	: National Election Observation Committee
DEAN	: Democracy and Election Alliance Nepal
FDNF	: Federal Democratic National Forum
NLSD	: Nepal Lokatantrik Samajbadi Dal

**Situation of
Human Rights in 2008 :
Overall Evaluation**

Chapter

1

The year began with the uncertainty hovering over the CA elections. The law and order situation had deteriorated because of the unruly activities of the Maoist cadres, a major party in the coalition government. Nonetheless, people were hopeful that the success of the CA elections would lead the country towards a successful conclusion to the peace process. But as soon as the CA elections were held, the country was caught up in more political turmoil. The new government was formed amidst an environment of disputes and disagreements. The formation of the new government did not give an impression of improvement in the law and order situation in the country nor an improvement in respect for the rule

of law.

The period between the beginning of the New Year and the day of the CA elections was a waiting period for the common people. At that time, most of the decisions were made based on political consensus and the NC, UML and Maoists had a common understanding. On the eve of the elections these three forces were united against the Madhesi parties.

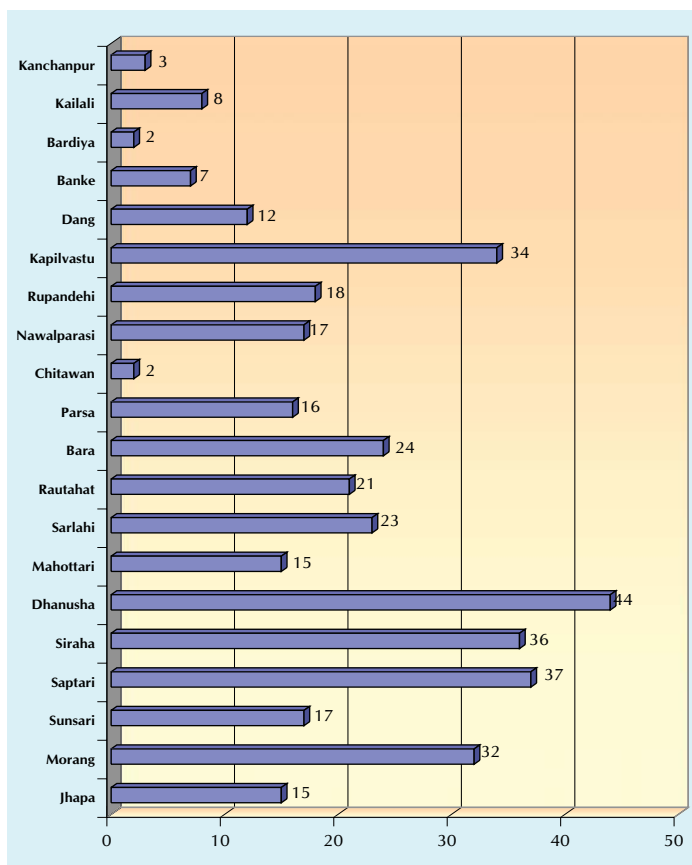
The Nepali Congress could not get the majority in the CA elections. But the party which was leading the then government did not resign over an instable political environment. The status of the government remained ad hoc till the new government was formed. So the period between the

CA elections and the formation of the new government was quite a stressful time. It was hoped that the formation of the new government as per the CA results would bring an end to such instability. Unfortunately, even after the formation of the new government and until the end of the year, there was no perceptible improvement in the law and order situation in the country.

At the end of the year, the post-CA government had been in power for four months. The time was not insufficient to establish its identity by initiating some bold steps. The government should have been able to create a viable environment for security for the

Table : 1

No. of Persons Killed by State and Non-State Actors in 20 District of Tarai-Madhes in 2008



people, provide immediate relief and be a facilitator in meeting the deadline for the new constitution in two years. The government also said in the 2008/09 budget that it had taken as a challenge and an opportunity the mandate of transforming the financial revolution into a success by institutionalizing the political achievements to build a new sovereign, prosperous and pro-people Nepal. Unfortunately, there has been no progress in leading the government towards an environment of consensus. The government, coalition partners and opposition has not shown any urgency towards the issue of transitional justice, which is an essential condition for the drafting process of the new constitution. Providing relief to the people from high costs, food shortages, the poor security situation and even ensuring justice to victims of the past conflict was not on the government's priority.

Nepal entered a post-conflict phase following the signing of the Comprehensive Peace Agreement between the seven political parties and the Maoists towards the end of 2006. But, some of the most important steps that are absolutely necessary for the transition process were not initiated. From this point of view, there have been no achievements in the direction of peace and stability as was expected in the past two years. The CA elections certainly took the peace process to a new height. But after the elections, there was little progress in topics with long term importance such as the integration of Maoist combatants and the restructuring of the state during the Maoists' nine months in power.

Besides the issues directly related to human rights and social justice, both the pre and post-election government could not demonstrate their honesty and political will towards their commitments. Even the government that came to power after CA elections overlooked the sensitivity of the transitional phase that began since the signing of the peace agreement towards lasting peace.

Continuity of Violence and Anarchy

The government was very weak between the time of the elections and the formation of the new government. It can be said that violent and unruly forces continued their activities and utilized the weakness of the government. Even the government that was formed after garnering a majority could not take hold of the situation. In the first 100 days from the New Year to the CA Election Day, 156 persons lost their lives at the hand of the Maoists, the state and the others. A total of 352 were abducted. 191 persons lost their lives at the hands of the state, the Maoists and the others in the 120 days between the CA elections and the formation of the new government. Similarly, 198 persons were abducted in the same period. In 134 days from the first day of the new government until the end of the year, 194 persons were killed by the state, Maoists and others while 179 were abducted. Thus, in 2008, 541 persons lost lives at the hands of the state and others (See Table 2).

The year 2008 cannot be analysed from a positive perspective if we consider the lack of respect for law and order and the lack of ground for transitional justice. A total of 383 persons were killed in 334 incidents in 20 districts (Jhapa, Morang, Sunsari, Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Bara, Parsa, Chitwan, Nawalparasi, Rupandehi, Kapilbastu, Dang, Banke, Bardiya, Kailali and Kanchanpur) of the Tarai-Madhes. Both state and non-state actors were responsible for the violation of the victims' right to life. In 2007, 363 persons had lost their lives in the same 20 districts.

INSEC documentation shows that a total of 13,347 persons were killed across the country between 1996 and 2006. A total of 4,129 persons were killed at the hands of the state and the Maoists in the 20 districts of the Tarai-Madhes in the same period. 188 and 158 were killed at the hands of state and non-state actors in 2007 and 2008 respectively, except for the 20 districts of the Tarai-Madhes. 746 were killed in 20 Tarai-

Madhes districts in the same period. These figures show that the violence increased in the Tarai-Madhes after the signing of the CPA. (See Table 1). After Tarai-Madhes, hilly districts of Eastern Region remained affected in 2008. 41 persons were killed in the eastern hilly districts of Ilam, Panchthar, Terahthum, Bhojpur, Sankhuwasabha, Khotang and Solukhumbu in 2007 while in 2008, 30 were killed in the above mentioned districts and Okhaldhunga.

The youth wing of the Maoists became more anarchical after the party won the elections. The other parties followed suit by forming similar organizations and adhered to the same unruly line. It became clear that the role of such groups was one of the reasons for the persistence of the poor situation of law and order. Instability continued even after CA elections and overshadowed the issues of human rights and social justice.

Based on the information collected from across the country, we can conclude that the action of Maoist cadres was a major reason for continued poor law and order situation in the country. Maoist cadres remained involved in incidents of killing, abduction and assaults even after the CA election. Their unruly behaviour was demonstrated by incidents ranging from differences in villages to disputes in the capital. Chapter 2: Highlights of the Year: Challenges of the Constitution Drafting Process discusses this in details.

Elections: Milestone in Peace Process

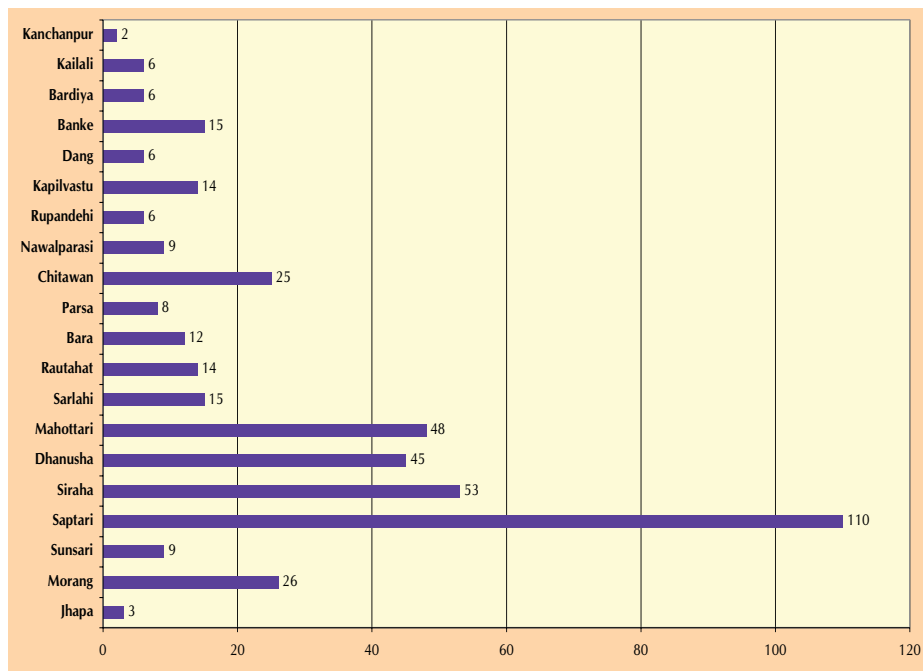
Chapter 3: Executive mentions the CA elections as a milestone of 2008. The peace process progressed to another level with the successfully conclusion of the CA elections. The establishment of the CA is accepted as the preliminary condition for a peaceful transition. The CA election is viewed not only as a way to draw a particular political force into the mainstream but also as a result

1. INSEC Sambidhansabha Rajya Punhsamrachanako Praweshdwar. Aryal, Kundan. Informal Sector Service Centre.p 3
2. Ibid.

Table : 2 Persons Killed by Different Perpetrator in 2008

Perpetrators	No. of Victims
By State	50
SJTMM	4
UML	1
Maoist	4
MMT	10
MRJP	2
Virus Killer	3
NDA	3
NDA(Trishul)	1
JTMM(Rajanmukti)	8
JTMM-J	27
JTMM-G	8
JTMM(Ranbir)	1
LTTE	1
Youth Force	1
YCL	8
TMMM	1
TRMS	1
Terai Army	5
TMM	1
TJKP	1
Terai Camado Force	1
Terai Cobra	1
Others	229
Unidentified	169
Total	541

of a long time need to establish sovereignty for the Nepali people¹. Maoists indeed played the catalytic role in establishing the importance of the CA in Nepali politics. However, the CA election was presented both as a process to draft the constitution with the participation of the people and as a political slogan². The election was assumed

Table : 3**No. of Persons Abducted in 20 Districts of Tarai-Madhes in 2008**

as an effective medium to draft the people-owned constitution in the country.

No party could receive a majority in the CA elections. Still it was natural to expect that the constitution drafting process would be simplified after the formation of the government as a coalition of three parties. Unfortunately the opposite occurred. The government itself was seen as inefficient actor. The government in power for the first few months of 2008, the ad hoc government after the elections and the government led by the Maoists are talked about in details in Chapter 3.2 Executive.

The elections made the CA inclusive but it could not play an effective role in leading the government in the right direction considering the sensitiveness of the transitional phase. The Truth and Reconciliation Commission Bill was drafted last year pursuant to the CPA and the Interim Constitution but the parties who promulgated the Constitution were not sincere enough to set up the commission,

as provisioned in the State Responsibility, Directive Principles and Policies section of the Constitution. The political parties did not display any urgency for the formation of the Commission even two years after the CPA was signed.

A 9-point demand was submitted to the government by the NC after the elections and also excludes the demand for a Truth and Reconciliation Commission was left out. Even parliament did not seem strong enough to guide the government in the right direction regarding the formation of the Truth and Reconciliation Commission. Chapter 3.3 Legislature bases the details of the human rights situation of the country on these issues.

The holding for the CA elections was taken as a big achievement in itself but the untoward events that occurred before, during and after elections cannot be brushed aside. The election was organized mostly in a peaceful manner but there were many faults in the election

process including issues of violence and intimidation³. Violence, clashes, assaults, beatings, abductions, intimidation and bomb explosions continued even after the elections⁴. In some places, voters were denied basic amenities for voting for the parties of their choice⁵. Issues regarding voters' registration, voters' education, civic education, the election campaign, the code of conduct, security provisions, violence, intolerance, effectiveness of the election act and the method of election observation were seen as weak aspect⁶. The election booths in some places were captured. For example, four booths in Dolakha constituency-1, 15 booths in Ramechhap constituency-1 and 15 booths in Ramechhap constituency-2 were captured by the CPN (Maoist)⁷.

The environment near and around the election booths remained tensed because of the presence of organised and sometimes armed youth groups. As a result, common voters felt threatened⁸. YCL cadres entered the polling station at the Janata Secondary School election centre in Chisapani VDC of Ilam district wearing volunteer tags on the morning of 10 April⁹. Though the election was peaceful on the surface, in most of the districts, it was conducted under the influence of the Maoists or the regional parties¹⁰. Election monitors believe that it is necessary to analyse to what extent greed, intimidation, fear and threats influenced the election results¹¹. INSEC monitoring across the country shows that the CA elections were conducted peacefully in an environment of fear.

In many places, people were scared and in some places the fear factor was

Table : 4

No. of Persons Abducted by Different Perpetrators in 2008

Perpetrators	No. of Victims
Rastriya Janamorchha	23
SJTMM	10
UML	10
ANNISU-R	4
Maoist	138
MMT	20
MTMM	4
MRJP	1
MTMM	8
Virus Killer	2
NDA	1
NC	2
JTMM(Kishan)	1
JTMM(Rajanmukti)	5
JTMM-J	68
JTMM-G	11
JTMM(Ranbir)	1
VC Force	3
People's Army	4
LTTE	1
KJWP	7
Youth Force	12
YCL	162
Terai Cobra	1
Others	35
Unidentified	195
Total	729

3. Loktantra ra Nirbachan Sanjal (DEEN). Sambidhan Sabha Nirbachan Paryabekshan BS 2064 Chait 28 Antim Pratibedan, Kathmandu

4. NEMA. Sambidhansabha Nirbachan 2064 Paryabekshan Pratibedan, Kathmandu

5. Ibid.

6. NEMA. Sambidhansabha Nirbachan 2064, Nirbachan Paryabekshan Pratibedan, Kathmandu

7. Loktantra ra Nirbachan Sanjal (DEEN). Sambidhan Sabha Nirbachan Paryabekshan BS 2064 Chait 28 Antim Pratibedan, Kathmandu

8. NEMA. Sambidhansabha Nirbachan 2064 Paryabekshan Pratibedan, Kathmandu

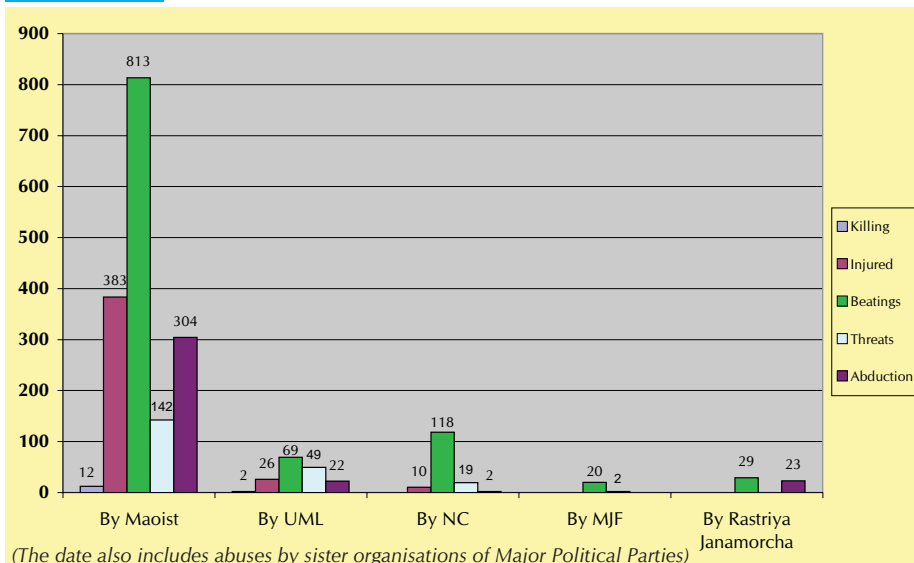
9. NEMA. Sambidhansabha Nirbachan 2064, Nirbachan Paryabekshan Pratibedan, Kathmandu p. 103

10. GEOC. Sambidhansabha Sadasya Nirbachan Paryabekshan 2064, Kathmandu

11. Ibid. p.135

Table : 5

Abuses by Major Political Parties in 2008



effective even on the Election Day¹². The political activists of other parties could not reach voters during the election publicity campaign because they were scared of the CPN (Maoists) and its sister organization, the YCL¹³. There was even post-election violence in several parts of the country. For instance, Maoists beat up UML cadres Bhabindra Rai and Shankar Adhikari of Sidhhakali VDC in Sangkhuwasabha after taking them to a jungle on 6 May for not voting for the Maoists¹⁴.

It was not unusual for such incidents to occur between a party in a transitional phase from the background of armed conflict and which was still partially armed, and the parties involved in peaceful politics. Other parties and voters must have demonstrated tolerance with a great concern for a negative impact on the peace process. That is why there was an environment where the results were acceptable to all.

Disregard for Transitional Justice

Nepali people threw themselves into the popular movement in April 2006, wishing for a lasting peace that would encompass political progress for human rights and social justice. Even the party involved in the armed conflict joined the other parties to fulfil the people's wish. It is a matter of relief that the nation is heading for drafting of the new constitution through the CA elections, as per the vision of the 12-point agreement. Unfortunately, soon after the elections, the Maoists attempted to impede the peace process by demanding a new agreement.

The peace process could not proceed as expected in 2008 because of political differences. A lack of political will power was cited for the lack of implementation of the CPA and pacts that were agreed upon only after realising the sensitiveness of the transitional phase. All political parties were

12. DEAN. Sambidhansabha Sadasya Nirbachan Paryabekshan 2064 Chaitra 28 (final report), Kathmandu

13. Ibid. p. 57

14. NEOF. Sambidhansabha Nirbachan 2064, Nirbachan Paryabekshan Pratibedan, Kathmandu p. 103

more or less responsible for the situation. The people's sense of insecurity remained due to the wartime mentality of the Maoist cadres and this insecurity encouraged the people to continue to break the law. Political instability ensued because of disagreements and a blatant disregard in the government for its commitments resulted in a disruption of the constitution making process. The CA work schedule, 2008 published towards the end of the year, raised people's hopes and attempted to express a commitment towards the responsibility of drafting of the Constitution. According to the schedule, the Constitution will be finalised by 28 May 2010. However, the Constitution making process appeared challenging right up until the end of 2008 due to the political instability. This is mentioned in more detail in Chapter 2: Highlights of the Year: Challenges of Constitution Drafting Process.

The inclusion of transitional justice could have supported the Constitution making process and create political stability but there was no initiative to find the whereabouts of disappeared persons, prosecuting the persons guilty of violating human rights or reparation for the victims. All the political parties seemed more or less apathetic to providing immediate relief to the conflict victims while ensuring the democratic rights for peace and progress.

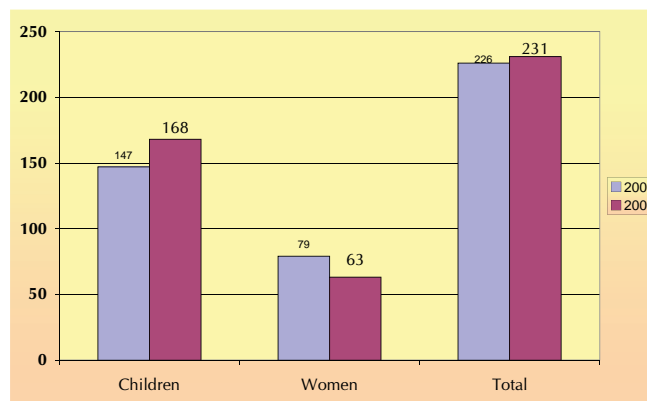
There were debates in intellectual circles in 2007 and 2008 on whether Nepal should fulfil its responsibility to investigate the violations of human rights and humanitarian law during the armed conflict to create a stable democratic peace. The government also made public for discussions the draft Truth and Reconciliation Commission Bill 2007, which was envisaged

by the CPA and the Interim Constitution. Discussions were held on a provision for a pardon for perpetrators, the mandate of the proposed commission, its working procedure and its independence. Voices were raised on the need to present a responsible body answerable to the international community on the relationship between the victims and the perpetrators, and reparation for the victims. But the issue was not revived until the end of 2008 after it was overshadowed by the CA elections.

All political parties in Nepal seem to understand transitional justice as providing compensation to the victims and amnesty to the violators of human rights and humanitarian laws. The parties who think that even the CPA paves the way for amnesty for all, except for those involved in serious crimes, want the demand for transitional justice to subside in silence. They might have inferred that if the TRC begins its work, many memories will be dug up, there will be a demand for action against the perpetrators which will not be possible and the people's disappointment and anger will lead to a chaos. They are trying to ignore justice in the name of peace. The government has not dared execute the work list on providing reparation to the victims of human rights violations which are pending from before the talk of elections. The opposition and other parties maintained

Table : 6

No. of Rape Victims in 2007 and 2008



silence on the issue. While analysing the two years following the signing of the CPA, it can be concluded that in Nepal, sympathy and justice for the victims and their self-respect were sidelined. So there is increasing chance that confession from the violators of human rights and the proper recording of this time in history might not be possible.

Dream of a New Nepal

Last year's CA elections and the declaration of the country as a republic and were historical events in the realisation of the dream of a new Nepal even among the persisting issues of human rights and social justice. The government, on the one hand, has the responsibility to provide people with a sense of peace, security and rule of law while, on the other, the government is also required to provide reparation to victims of the past conflict and legal punishment to the criminals. While fulfilling these responsibilities the government also has the responsibility to ensure an environment complimentary to drafting the unanimous

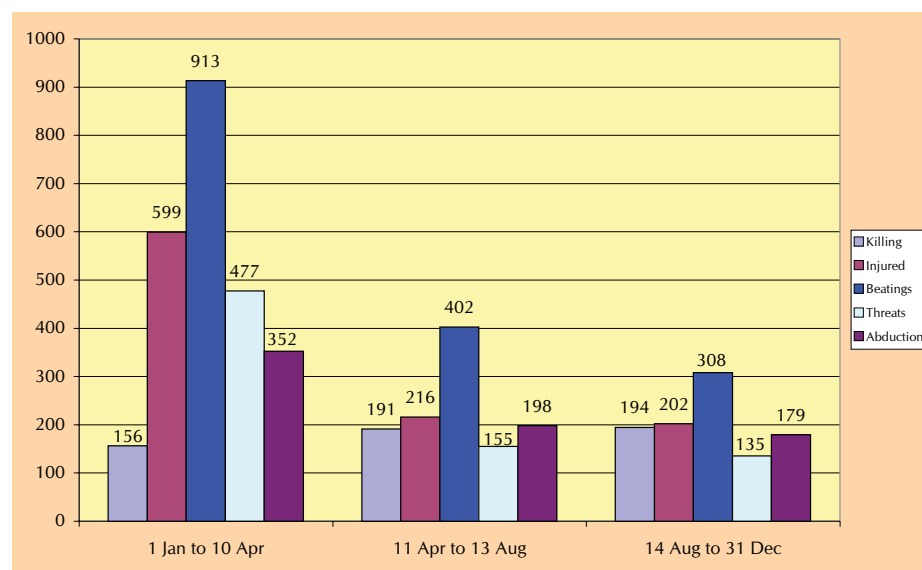
and inclusive constitution within the timeframe.

This year, significant information emerged on human rights violations against women. A total of 1,433 women were became victims. 204 women were affected by domestic violence. The incidents of murders over petty issues are a result of 10 years of a well-spread culture of violence in every nook and corner of the country. Likewise, it can also be concluded that the rise in the numbers of rape cases are linked to a scaling impunity and political protection for the criminals. Impunity contributed to the increased threats from unidentified Tarai-Madhes groups. In 2008, the perpetrators were unidentified in 170 killings. (See Table 2)

In 2007, 226 women were the victims of rape while this year the number of this social crime was 223 and 231 victims. Among the victims, 168 were below the age of 16. Such incidents have occurred across the country as an epidemic (See district information on human rights violations Annex 1 and Table 6).

Table : 7

Total No. of Human Rights Violation/Abuses in 2008



There was a concern over the possible increase of interference in the judiciary by the executive and the Legislature-Parliament while, at the same time, many fingers were pointed at judges regarding their judgement, capacity and honesty. Legal practitioners were the ones who raised the highest concern over the integrity of the judiciary. At last, the bar and bench agreed that the judiciary's image is shaped by the behaviour of the judges. In many cases, the judiciary demonstrated cognizance while in some cases it showed that it was aware of the international human right standards. Chapter 3.1 discusses in details about this issue.

There are many aspects of social justice and human rights which the government should pay keen attention to. A New Nepal cannot be dreamed of while marginalising this truth. In 2008, along with these issues, the under-preparation of the Constitution was the main topic of concern. This year, the contents of the Constitution remained the centre of discussion. Voices were raised on the fulfilment of civil and political rights like the inclusion of the people's rights to life, right to equality before law, freedom of expression and opinion, guarantee of press and publication rights in the constitution and the rights of the nationalities and marginalised communities. Similarly, concerns were raised on the need for a constitutional guarantee of women rights and equality, an end to all kinds of racial discrimination including caste discrimination, decentralisations and local autonomy, pro-poor economic policy, and the rightful distribution of natural resources. People also seemed conscious about including economic and social rights such as sovereignty and the guarantee of national integrity, a healthy life and clean environment, secularism and religious freedom in the Constitution. Updated concepts of human rights such as the right to development define peace and development as people's rights. It is hoped that the new Constitution will encompass

such topics. Ironically, the political parties and the government who were supposed to be facilitating the Constitution drafting process could not generate public trust for themselves until the end of 2008.

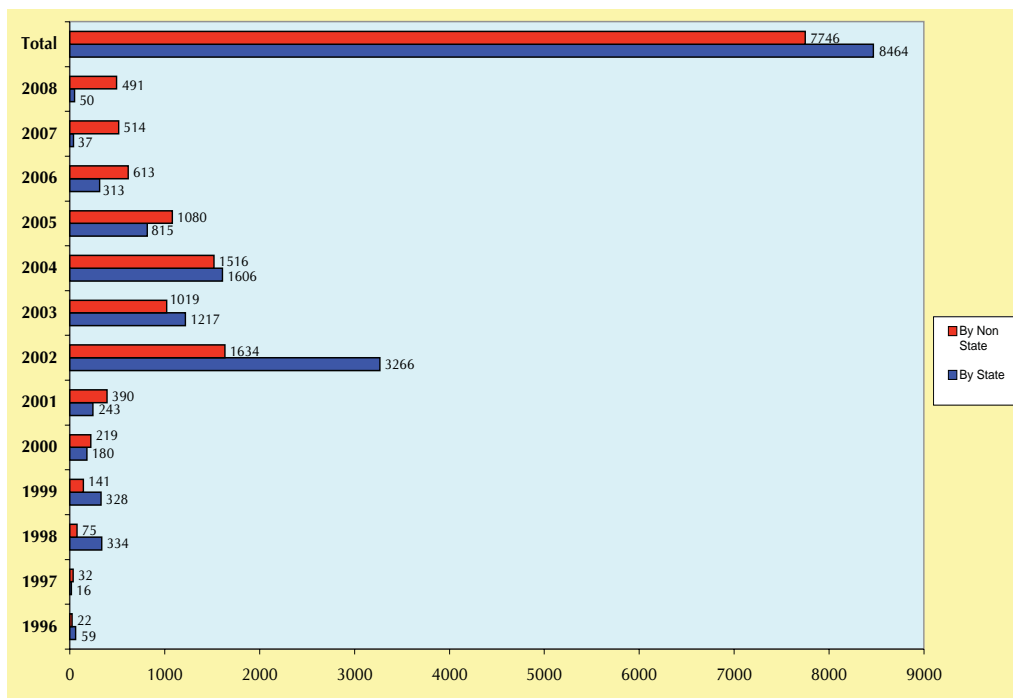
Political parties expressed commitments in writing to the people during the time of the CA elections and had won their votes on that basis. If the Maoists, NC and UML do not forget their manifestoes, the environment of political consensus can be built. Almost all political parties have expressed a commitment to realise the dream of the Federal Democratic Republic Nepal.

The Interim Constitution 2007, a result of the consensus between seven political parties and the Maoists after the CPA, also tried to incorporate economic, social and cultural rights. It is a hope that the up-coming Constitution will include a well-structured concept in this regard. Nepalis still hope that there will be a guarantee of civil, political, economic, social and cultural rights after the conclusion of the peace process in the new Nepal. However, a commitment by the state towards economic, social and cultural rights and the development of an effective mechanism to realize these rights is a crucial issue. It is necessary for the government to have the people's confidence in implementing economic and social rights as these rights are supposed to be attained progressively. The agreement among the then seven political parties that existed before election should remain in tact till the conclusion of the peace process. The dream of a new Nepal will not be achieved without national consensus. Given to the lack of consensus, the people could not be confident that the government could lead the country on the path of human rights and social justice.

Nepalis should be detached from dependency in the desired new Nepal. Development can be seen as a process of expanding the real freedoms that people enjoy. Focusing on human freedoms contrasts with the narrower

Table : 8

**No. of Persons Killed by State and Non-State Actors
Between 1996 and 2008**



views of development, such as identifying development with the growth of gross national product, the rise in personal incomes, industrialisation, technological advance or social modernisation. The growth of the GNP or of individual incomes can, of course, be very important as a means to expanding the freedoms enjoyed by members of society. But freedoms depend also on other determinants, such as social and economic arrangement (for example, facilities for education and health care) as well as political and civil rights (for example, the liberty to participate in public discussion and scrutiny)¹⁵. Nepalis want political parties to contemplate these issues in relation to the new Constitution.

The country was not led effectively towards drafting the unanimous, inclusive

and all-accepted Constitution while peacefully institutionalising human rights to open the way for sustainable peace. The government that was formed after the CA elections did not demonstrate an expected political willpower in this direction. The year 2008 bid farewell amidst concerns over the successful drafting of the Constitution due to the increasing differences among the political parties in the government and those out of it.

Kundan Aryal
Editor-in-chief



Highlight of the Year Chapter

Challenges of
Constitution Drafting Process

2

Chronology (1 January-31 December 2008)

1 January

EC officials meet PM Girija Prasad Koirala in order to declare a date for the CA election and to request the coordination for all government bodies.

4 January

Jwala Singh faction of Janatantrik Tarai Mukti Morcha (JTMM-J) announces that they will boycott the CA election citing the lack of a proportional election system.

8 January

PM Girija Prasad Koirala speaks out against the integration of Maoist combatants into the national army claiming it will politicize the army.

12 January

Government sets 10 April as the date for CA elections after achieving consensus among the seven parties who agree to hold the one day election.

UN Secretary General Ban Ki Moon submits his report on Nepal to the Security Council. He claims the situation in some districts is worse than in previous election times.

UML general secretary Madhav Kumar Nepal claims that nobody will be able to stop the 10 April CA elections.

EC decides to impose election code of conduct in phases starting from 16 January.

Tarai-Madhes Democratic Party (TMDP) chairperson Mahantha Thakur announces that his party will not contest the CA elections until the demands of Madhes and Madhesis are met.

14 January

Seven political parties vowed to hold elections on 10 April during a mass assembly in Tundikhel in Kathmandu.

19 January

Seven parties assure timely CA elections during a joint meeting in Biratnagar Government urged the TMDP to come to the table for talks.

29 January

Joint committee of the seven political parties calls on all armed Madhesi groups to come to the table for talks.

30 January

54 persons including Parsa CDO were injured in an explosion which occurred during a mass assembly in Birgunj.

2 February

An explosion in NC election assembly in Inaruwa of Sunsari district leaves an 8-year-old girl injured.

3 February

An explosion near the NC election assembly being held at Rajmaidan of Rajbiraj in Saptari district injures three civilians.

4 February

EC warns of adverse effects during the election unless the situation in the Tarai improves.

5 February

NC leader Dilendra Prasad Badu assaulted by Maoists during a clash between the cadres of NC and Maoists during NC's village campaign in Lalinath VDC-7. Maoist cadres Padam Singh Dhami and Harish BK sustained injuries when the police opened fire.

6 February

Dr Baburam Bhattarai issues a press statement announcing the revival of the Revolutionary People's Council.

12 February

The government talk team calls all the agitating groups in the Tarai to come

for talks.

EC requests all concerned parties not to call for strike and bandh which will affect the election.

13 February

Maoists chairperson Pushpa Kamal Dahal (Prachanda) claims that his party will soon be in a position to capture power on a legal manner.

Samyukta Loktantrik Madhesi Morcha (SLMM) launches agitation with six-point demands.

14 February

Public life affected by the call for an indefinite Tarai bandh by SLMM and Sanghiya Ganatantrik Morcha (SGM).

Government talk team comprising of seven political party representatives urges SGTM to come to talks.

15 February

Leaders of agitating SLMM holds talk with PM Girija Prasad Koirala. PM promises to meet all demands except for those which compromise national integrity and sovereignty.

16 February

Curfew imposed in Kalyanpur of Saptari following tensions between SLMM and police.

17 February

SLMM forms a three-member committee to hold talks with the government. The members are Anil Jha of Nepal Sadbhawana Party, Ratneshwar Kayastha of MJF and Mahendra Yadav of TMDP.

Gulzar Khan, 35, a resident of Belaspur in Nepalgunj Municipality and cadre of SLMM dies while undergoing treatment at Bheri Zonal Hospital. Khan died of bullet wounds sustained during an altercation with police.

18 February

Curfew imposed by respective district administrations in Nepalgunj, Jaleshwar, Janakpur, Birgunj, Rajbiraj and Kalaiya following a clash between police and SLMM in several places in Tarai.

Government appeals to SLMM leaders to come to talks and asks concerned bodies to maintain peace and harmony while expressing regrets and concern over ongoing violence in Tarai.

19 February

Talks between the government and the SLMM at PM residence in Baluwatar end inconclusively.

UML general secretary Madhav Kumar Nepal says that the elections should be held regardless of the situation.

20 February

Talks between the government and SLMM ends inconclusively after SLMM refuses to budge on the issue of an autonomous Madhes.

22 February

Talks between government and SLMM ends inconclusively after SLMM remains resolute on 'One Madhes one state' demand.

23 February

Seven political parties conclude that SLMM's demands for the right to self-determination and the formation of a separate state for the Madhes cannot be met.

24 February

Government and SLMM come closer to an agreement regarding an autonomous state within the federal system.

Tharu community holds protest rally over the demand of 'one Madhes, one state'

Public life in western Nepal affected by the United Tharu National Liberation Front who called a bandh to protest the government's recognition of 20 districts of southern plains as Madhes.

25 February

Two-day long dialogue between SLMM and government fails. DNLF claims its call for an indefinite bandh from 13 February was initiated to ensure a successful, meaningful and result-oriented CA election

26 February

Talks between government and Madhesi leaders resumes at Baluwatar after the leaders demand postponement of the CA election

27 February

Talks between SLMM and the government resume after demands for immediate collective recruitment of Madhesis in Nepal Army

Government holds talks with Samyukta Ganatratrik Rastriya Morcha (SGRM), a coalition of Madhesi Janaadhikar Forum (MJF), Saghiya Loktantrik Rastriya Manch (SGRM), Federal Limbu State Council, Tamsaling Autonomous State Council, Dalit Janjati Party and Tharuwan Rastriya Morcha

Indris Mohammad Miya alias Biscuit is shot dead when a police bullet hit him as he was having tea at a shop in Duhabi, Sunsari district during the Madhes agitation

28 February

Government and SLMM come to an 8-point agreement following which SLMM calls off the Madhes agitation that was raging since 13 February. PM Girija Prasad Koirala, Mahantha Thakur, Rajendra Mahato and Upendra Yadav from government, TMDP, NSP and MJF respectively sign the agreement

Government holds talks with SGRM after the government agrees to the establishment of the federal state and agrees to the formation of autonomous states on the basis of language and region although it refuses to give any constitutional guarantee

29 February

SGRM withdraws its protest programme following a 5-point agreement with the government

5 March

Political parties submit an updated list of candidates who had also submitted a closed list for a proportional seat as per the provision of 50 percent women candidates, 30 percent Madhesi, 13 percent dalit, 37 percent Indigenous, Nationalities, four percent marginalized communities and 30 percent candidates from other groups

7 March

Maoists make their CA election manifesto public revealing that it proposes an executive presidential system and federal state

8 March

Kapilbastu constituency-3 Jana Morcha candidate Brij Bihari abducted by SJTMM

9 March

UML makes its CA elections manifesto public revealing that it proposes for a prime minister elected by the people and a ceremonial president elected by the parliament

10 March

CPN- United makes public its CA election manifesto revealing that it favours the position of Prime Minister as executive chief

11 March

RPP (Nepal) makes its CA election

manifesto public. It proposes a democracy with a space for the king

EC directs the government to improve the security situation in Tarai stating that its staff were unable to visit the districts

12 March

TMDP makes its election manifesto public revealing that it proposes a federal state set up with the prime minister as the head of the state

UML candidate Dev Shankar Poudel and some of his cadres attacked by the Maoist cadres during an election campaign in Priti VDC in Ramechhap district

13 March

NC makes its CA election manifesto public. The NC stands for the office of president as the ceremonial head of the state and the PM as the leader from majority party as the executive head

14 March

Jana Morcha Nepal's election manifesto made public. Opts for president as head of the state and head of the executive

16 March

MJF and NWPP both go for president as executive head in their manifestoes

Unidentified gang abducts Saptari constituency-3 RPP candidate Govinda Prasad Singh

EC meets PM Girija Prasad Koirala to request his assistance to work on ending the bitterness among the political parties who have been involved in unruly activities against each other during the election campaign

JTMM, Madhesi Liberation Tigers, UJTMM and Tarai Cobra issue a joint statement expressing their willingness to hold dialogue with the government

18 March

Election manifesto of NSP advocates for the election of president and prime minister through an indirect election system

19 March

Ratriya Jana Morcha Banke constituency-2 candidate Kamal Prasad Adhikari shot by cadres of JTMM. He succumbs to his injuries while undergoing treatment at Bheri Zonal Hospital

Maoist district committee member Tek Bahadur Budha, 39 of Thulo Gaon in Gam VDC-5 of Rolpa district shot dead by unidentified group

Government and Sanghiya Limbuwan Rajya Parishad (SLRP) sign a 5-point agreement

24 March

Maoist chairperson Prachanda warns he will launch a rebellion if other parties resort to election irregularities and fraud

26 March

Maoist district committee member Ganga Bahadur Bhujel alias Gajendra shot dead when the security forces opened fire during a clash between the NC and Maoist cadres at Sisakhola of Gora VDC in Solukhumbu district. NC candidate Bal Bahadur KC, over 12 NC cadres and eight Maoist cadres were injured in the incident

Madhes Liberation Tigers, Tarai Cobra, JTMM (Rajan Mukti) and SJTMM coordinated by Pawan write to the government expressing their interest in holding talks

27 March

EC calls on representatives of NC, UML and Maoists to condemn the pre-election violence and directs them to

mend their ways

Madhes Mukti Tigers coordinator Rajan, Tarai Cobra chairperson Nagraj, JTMM (Rajan Mukti) chair Rajan Mukti and SJTMM coordinator Pawan issue a statement declaring that they have formed a dialogue team with Sanjay Kumar Gupta as the coordinator

29 March

Madhes Mukti Tigers, Tarai Cobra, JTMM (Rajan Mukti) and SJTMM coordinated by Pawan disband the talk team accusing the government of showing little interest in resolving the issues

1 April

NC, UML and Maoists sign a 10-point agreement to make the CA election a free, fair and peaceful one

European Union Mission requests all political parties to demonstrate restraint and behave during the election period

2 April

Prachanda asks the cadres of Maoist youth wing YCL to become 'Gandhians' for a week

3 April

Council of Ministers forms the Peace and Coordination Management Committee to attain sustainable peace and to ensure a smooth CA election

8 April

Surkhet constituency-1 UML candidate Rishi Prasad Sharma shot dead

9 April

Seven Maoist cadre shot dead in Lamahi when personal security officers and former Home Minister and NC candidate Khum Bahadur Khadka open fire

10 April

CA election held. Clashes in several election centres reported and four persons killed. EC declares that elections were

cancelled in two centres in Saptari district, seven in Mahottari district, six in Chitwan and nine in Dolakha district.

Sarlahi constituency-3 independent candidate Shambhu Prasad Singh shot dead by unidentified group

12 April

EC cancels election in 15 more centres

13 April

UML general secretary Madhav Kumar Nepal resigns from the party accepting his party's defeat in the CA election

14 April

Maoist cadres attack finance minister Ram Sharan Mahat in Nuwakot district as he is returning to the capital after holding a victory rally

17 April

Former UML general secretary Madhav Kumar Nepal and Maoist chairperson Prachanda meet. Nepal demands that the YCL be dissolved for the sake of achieving an environment of consensus

28 April

District judge says that the bodyguard of UML candidate Rishi Prasad Sharma had confessed that it was a bullet from his gun that had hit him

7 May

Government forms three commissions to investigate election violence in different districts. Incidents that occurred in Jahare of Surkhet, Lamahi of Dang, Kapilbastu, Solukhumbu and Sunsari are to be investigated

9 May

Seven-party alliance asks PM Girija Prasad Koirala to call the CA meeting from 25 to 28 May after consulting with all parties

11 May

Working group, formed by a meeting of the seven political parties to devise CA procedure, begins consultation

12 May

Prime Minister Girija Prasad Koirala calls for CA meeting at 11 am on 28 May

16 May

Businessman Ramhari Shrestha of Koteswar in Kathmandu district killed after being tortured by Maoist cadres in Chitwan

17 May

Ban Ki Moon in his report on Nepal to the UN General Assembly says that many challenges remain in Nepal despite the successful CA election

21 May

NC, UML and MJF agree to have presidential and vice-presidential system

22 May

A commission is formed with former SC justice Rajendra Kumar Bhandari as chairperson to probe into the killing of Ramhari Shrestha and to recommend action to be taken against the perpetrators

24 May

PM Koirala calls on Maoists to garner support for the formation of new government as per the Interim Constitution

27 May

Most senior CA member Kul Bahadur Gurung administers the oath of office to 567 out of 575 CA members elected from FPTP and PR systems

28 May

First meeting of CA declares the country a federal republic. Pro-republican proposal gets 560 votes to four. King Gyanendra is asked to vacate the palace

29 May

International community including UN and the US welcome Nepal's new status as a republic

30 May

A letter is sent to former King Gyanendra asking him to leave the Narayanhiti Palace within 15 days in accordance with the 28 May CA declaration of Nepal as a federal republic

1 June

Baban Singh, elected to CA from Rautahat constituency-1, is released by district court on remand

Meeting of the 13 political parties held to discuss issues concerning the presidential electoral system, the process of forming government and the amendment of the constitution ends inconclusively

4 June

Two phases of meetings of top leaders of three major parties on the constitutional presidential election and dissolution and formation of the government ends without any result

Government decides to grant Nagarjun Palace to the former king as his new place of residence

7 June

Maoists agree to the constitutional amendment on holding presidential election and forming a government on the basis of simple majority

11 June

Chitwan District Court sends Maoist 3rd Division Shaktikhor's Govinda Bahadur Batale into custody on the charge of the murder of businessman Ramhari Shrestha

Former King Gyanendra holds a press conference at Narayanhiti Palace prior to leaving for Nagarjun Palace

15 June

Prime Minister Girija Prasad Koirala inaugurates the Narayanhiti Museum

18 June

CA meeting deferred for an indefinite period following the failure to enter into the agenda of constitution making

25 June

Seven parties sign a 22-point agreement to amend the constitution with the new provisions on procedure for presidential election and to take the peace process to its logical conclusion

26 June

Prime Minister Girija Prasad Koirala tenders his resignation at the CA meeting

Council of Ministers recommends names for 26 persons to be nominated as CA members

27, 28 June

Madhesi parties boycott parliament demanding that the government and SLMM address the issue of the Phagun 16 agreement

29 June

NC, UML and Maoists issue a political commitment that they will agree to address the demands made by Madhesi parties

1 July

Three major parties NC, UML and Maoists agree to address the Madhesi parties' demand through constitutional amendment

4 July

In a meeting of seven parties, the majority decides to address the demands of three Madhesi parties through amendment of the constitution

5 July

SLMM warns that it will launch

an agitation unless the constitution is not amended as per the 8-point agreement with the Nepal government signed on 28 February

6 July

CA meeting adjourned till 7 July due to dispute over demands of Madhesi parties

Madhesi parties disagree with the supplementary constitution amendment introduced by the government saying it is contrary to the 8-point agreement

7 July

22 indigenous organizations including Tharu Kalyankarini Sabha torch the constitution to protest the concept of 'One Madhes, one state'

8 July

Government sends official letter to the UN asking UNMIN be extended for six months

Bill on supplementary amendment of the constitution which incorporates the demands of three Madhesi parties filed in CA secretariat

13 July

Fifth Amendment of the constitution to include the provision of election of the president by the CA and formation of new government on the basis of majority

19 July

Parmananda Jha of MJF elected as the first vice-president of republic Nepal

21 July

Dr Rambaran Yadav of NC elected as the first president of the republic Nepal

23 July

UN Security Council decides to extend the UNMIN mandate for next six months in order to monitor and assist in the management of the Nepal Army and the Maoist combatants

First president of republic Nepal Dr Rambaran Yadav takes the oath of office

27 July

President Yadav's first address to the nation, stresses on the need for harmony

President calls on the Maoists to form the government from the largest party in the CA

2 August

Maoists present common minimum programme to 24 political parties for the formation to new government

5 August

Ministry of Peace and Reconstruction issues a statement announcing the distribution of Rs 100,000 to families of every person killed during the conflict

President Yadav extends the deadline by three days for forming a government on national consensus on the request of Maoists

6 August

Leaders of the parties direct Maoist's chairperson Prachanda to take steps to return the private and government properties seized during the conflict and to stop the paramilitary acts of YCL

7 August

Probe committee formed to investigate the pre-election violence in Lamahi and Dang submits its report to PM Koirala

11 August

CA publishes election programme schedule to elect the prime minister after the parties fail to agree on the formation of the government

15 September

A group of Maoist cadres and squatters led by Minister for Land Reform and Management Matrika Prasad Yadav captures private land at Mirchaiya VDC-3 in Ramnagar of Siraha district

3 October

Three-member committee comprising of Minister for Peace Janardan Sharma, Local Development minister Ramchandra Jha and Education minister Renu Yadav with Sharma as coordinator formed to hold talks with armed groups in the Tarai

16 October

JTMM-J chairperson Jwala Singh forwards 4-point demand as pre-condition for talks

28 October

A five-member committee led by deputy PM and Home Minister Bamdev Gautam formed to monitor the integration and rehabilitation of the Maoist combatants

31 October

UN Secretary General Ban Ki Moon arrives in Nepal to assess the peace process in Nepal

3 November

NC and UML accuse Maoists of breaching their early agreement and disregarding constitutional provisions by setting up a special committee to overlook management of the combatants

6 November

Government partners Maoists and UML agree to decide on the mandate of the combatant integration and rehabilitation special committee according to the consensus of the seven parties

10 November

PM Pushpa Kamal Dahal expresses commitment in the CA and Legislature/Parliament to address the 9-point demand made by NC. Promises to implement the past agreements by 15 December

Schedule for constitution building prepared after five and half months of CA formation. The draft says that the President

will promulgate the new constitution between 22 May and 28 May 2010

14 November

SJTMM forms a team of Kautilya Sharma, Raj Guru and Sagar to hold talks

17 November

Government holds informal talks with Madhesi Virus Killers, Tarai Janatantrik Party and Madhesi Rastriya Janatantrik Party in Saptari district

18 November

It is confirmed that Nirmal Panta and Pushkar Dangol of Syuchatar Kathmandu, abducted on 20 October, were killed by YCL

28 November

Maoists' Purna Kumari Subedi elected as CA vice-chairperson

29 November

Government and rights activists agree to form a Land Reform Commission within two weeks

30 November

Commission formed to investigate the killing of Nirmal Panta and Puskhar Dangol

3 December

Council of Ministers forms an investigation committee with advocate Umesh Prasad Gautam as chairperson and advocate Shalikram Sapkota and journalist Mahendra Bishta as members to investigate the murder of Dhangadhi-based journalist Jagat Prasad Joshi

9 December

Government coalition partners, Maoists and UML, agree to set up commissions for land reform, state restructure, truth and reconciliation and disappearance

10 December

Government establishes Land Reform Commission with Maoists' central committee member Haribol Gajurel as the chairperson

11 December

CA Legislature-Parliament amends constitution for the sixth time

Government and Virus Killers consent to a 4-point agreement

14 December

All 25 political parties propose names for 14 CA committees

15 December

14 CA related and 10 Legislature-Parliament related committees formed

JTMM (Rajan Mukti) tables 4-point condition for dialogue with the government

16 December

Constitution building process begins. First a meeting of CA constitutional committee was held, then 10 thematic committees and three procedural committees met. Attempt to select committee chairpersons failed as did any attempts to identify and detail the scope of required expertise

17 December

Government appeals to armed groups to hand over illegal weapons to the local administration and police

19 December

Government promises to treat any armed group willing to come for dialogue as a political group

22 December

SJTMM talk team comes out in public at the District Administration Office Janakpur. The team comprises of Sanjay

Gupta alias Kautilya Sharma, Rabi Dutta Mishra and Gulam Sarawar Shekh

26 December

Government and SJTMM (Pawan Mukti) holds talks in Janakupur. A 5-point agreement is signed.

NC, UML and Maoists agree to have two members from each party in Maoist Combatants Monitoring, Integration and Rehabilitation Committee but cannot agree on the name of the Committee chairperson

NSP's youth group Madhes Raksha Bahini comes out in public in Nepalgunj

wearing a military uniform

27 December

Maoists express commitment to return properties seized during the conflict, dissolve the paramilitary structure of YCL immediately and vacate the captured government and private properties

28 December

Council of ministers approves the implementation of 9-point agreement signed between the Maoists and the NC. The agreement includes the return of captured properties.



1. Background

The year 2008 was an historic year for Nepal. It was the year that saw the elections of the Constituent Assembly (CA), the formal abolition of the monarchy and the establishment of republican democracy. The CA election was perceived nationally and internationally as a major achievement for political stability in Nepal. Some international organizations opined that the CA election would be a great milestone in the peace process.¹ The CA election was the most inclusive and representative in the history of elections in Nepal. On this basis, it is hoped that the new constitution will establish a clear framework for the rights of women and marginalised groups and provide social justice for all.

Regrettably, the CA election did not ensure the end of political instability neither did it improve the state of security for the peace process. A culture of impunity continued to flourish due to political protectionism. The culture of consensus among the political parties to end the armed conflict and establish loktantra was greatly imperilled in 2008. There was no consensus for the choice of candidate for president while the government was also based on majority of seats.

Although the Maoists practised peaceful politics through the CA elections, there was no political consensus until the end of the year on the issue of the rehabilitation and integration of Maoist combatants who currently reside in camps under UN monitoring. The integration and

rehabilitation of the Maoist combatants has been critical issue in the peace process. Many political figures were not in favour of the integration of Maoists into the National Army. Some of them felt that the integration would politicise the army.² The lack of a timely formation of a special committee to deal with combatants' integration and rehabilitation further compounded the disagreements. The delay in the formation of the committee was caused by the governing parties and the opposition's inability to reach a consensus. NC demanded further clarity in the formation process and the committee's mandate while other parties and some ministers were not happy with the committee's size and its representatives. Opposition party NC alleged that the formation of the committee was against the political agreement of 25 June and against the Interim Constitution.³ The government formed a five-member committee led by deputy PM and home minister Bamdev Gautam to monitor, integrate and rehabilitate the Maoist combatants. Four CA members were also in the committee but two of them were from the Maoist Party. This led to disputes and the parties including NC demanded that the committee be disbanded.⁴ Sarita Giri, NSP chairperson, demanded the inclusion of at least two female members in the committee as per the spirit of the Comprehensive Peace Agreement (CPA)⁵. Other organisations also requested that the government ensure the membership of women in the Combatants Monitoring, Integration and

1. http://cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf, accessed on 23 Dec. 2008

2. "Ladakulai Senama Samayojan Garnu Hundaina." *Kantipur Daily* 9 Jan. 2008. <http://ekantipur.com/kolnepalnews.php?nid=133726>, accessed on 25 Dec. 2008

3. "Uchhastariya Samiti Bighatanko Mag". *Kantipur Daily* 1 Nov. 2008. <http://ekantipur.com/kolnepalnews.php?nid=165167>, accessed on 25 Dec. 2008

4. *ibid*

5. "Sena Samayojan Samiti Banyo". *Kantipur Daily* 1 Nov. 2008. <http://www.ekantipur.com/kolnepalnews.php?nid=165067>, accessed on 25 Dec. 2008

Rehabilitation Committee.⁶

The government declared this year as the one that would liberate the haliya (land tillers). But, as has happened with the announced liberation of the kamaiya (bonded labourers), no laws have been adopted which would put this political rhetoric into actual effect. The kamaiyas who were freed from bond of their landlords in 2000 are still waiting for rehabilitation assistance. The freed kamaiyas are agitated as the state has failed to fulfil its obligation for their long-term rehabilitation.⁷ Last year, the government and the kamaiyas signed an 11-point agreement but the government has not demonstrated any eagerness to implement it.

Except for significant political changes, the people of Nepal have not seen much actual change in their daily lives. The post-CA government, in particular, does not seem keen to execute its past commitments. The government has not worked to guarantee the fulfilment of economic, social and cultural rights which are as important as the fulfilment of civil and political rights. The people have faced continued insecurity, conflict, high prices and shortages even in this year.

Crimes and incidences of hooliganism and violence have remained high in the country. In the Tarai, the culture of impunity has remained a reality and civilians have not been protected from violent acts. Although the government has held talks with some of the Tarai-Madhes based armed groups, it seems indifferent towards the implementation of the agreements. The government has remained incapable of providing reparation to the victims, contrary to its obligations in the

CPA. There was no attempt to take legal action against the people involved in human rights violations and crimes against humanity. The demands of the victims have been pushed into the shadows despite the attempt to keep their issues in the public arena by continuing the agitations.

2. Establishment of Constituent Assembly

The long-awaited first CA meeting resulted in a new Republic system for Nepal. After that auspicious beginning, the CA failed to make great progress towards its main agenda of constitution making due to a lack of political consensus. The Maoists' immature and unstable approach to real politics was seen as a major reason for the differences among the political parties.

The CA election was held amidst an environment of uncertainty, doubt and difficult circumstances, moreover it had been postponed twice. The possibility of a successful election was in doubt even after the electoral process began because of the violence and agitation stirred by Madhesi parties in the south. But, the last-minute agreement between the Madhesi parties and the government paved the way for a successful election.

The CA was comprised of 595 members out of 601-240 members who won in the first past the post system, 335 were seated through the proportional system and 26 were to be nominated. But the successful election did not create the atmosphere of political solidarity as had been expected. The sharp differences delayed the election of the president and the vice-president and formation of the new government. After only two and half

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6. Ladaku Rekhdekh, Samayojan Ra Punhsthapana Samitima Mahilako Sthan Sunischit Garna INSEC ko Aagraha. http://www.inseconline.org/Nepali/archive_show2.php?newsid=16944. accessed on 26 Dec. 2008
 7. "Mukta Kamaiyadwara CHakkajam." <http://www.ekantipur.com/kolnepalinews.php?nid=173052> accessed on 31 Dec. 2008

months the Maoists looked set to form the new government and its chairperson Pushpa Kamal Dahal became the Prime Minister.

2.1 Election and code of conduct

The EC issued the Election code of conduct 2008 in the involvement and approval of the political parties to ensure a free and fair CA election. Drafted as per section 28 of Election Commission Act 2007 the code of conduct applied to the political parties, candidates and their representatives, government officials, media and NGOs. The parties repeatedly promised to follow the code of conduct but very few fulfilled their promise.⁸ The number of pre-election, during-election and post-election violent incidents was significant. All parties were found to be involved in hampering the political activities due to a prevailing atmosphere of unhealthy competition, political intolerance, stubbornness, vengefulness and lack of coordination among the parties.⁹

The code of conduct had required that soft and civilised language be used during the election campaign. Posters, pamphlets, wall-paintings and banners were banned. It was prohibited to paste posters in private houses without prior permission from the owners and it was

also prohibited to carry explosives and weapons. Additionally the code of conduct barred the issuing of any threats or pressure on the voters which would terrorise them. The political parties and their cadres did not adhere to these rules of conduct.¹⁰

Expressing their commitment to abiding by the election code of conduct, NC, UML and Maoists had signed a 10-point agreement to establish coordination for a free and fair election.¹¹ But, none of the parties were found to have acted with honesty in respecting the code of conduct.¹² Organisations monitoring elections have stated that at some places, children were working on election publicity. Observers also reported that at some places, the children were stationed for voting purposes by the request or direction of the parties; childrens' names were found in voters' list and children were found to be casting ballots using others' names.¹³

2.2 Election and violence

Although some international monitoring organisations reported in their preliminary reports that the elections were held peacefully,¹⁴ there were some violent incidents on the Election Day. Killings, explosions, beatings, and other violent acts, occurred on pre-election, during the election day and post-election period. Observers did conclude that the

8. Rastriya Nirbachan Anugaman Sanjal (NEMA), Sambibhansabhako Nirbachan 2007 Paryabekshan Pratibedan. Aug.-Sept. 2008:46

9. National Human Rights Commission, Constituent Assembly Election 2007 Monitoring Report 2008, Kathmandu: Jun.-Jul. 2008: 26

10. Rastriya Manavadhikar Ayog Nepal, Manavadhikarko Drishtima Sambidhansabha Nirbachan Anugaman Pratibedan 2065, Kathmandu: Jun.-Jul. 2065:44

11. Loktantra Ra Nirbachan Sanjal Nepal (DEEN), Sambidhansabha Nirbachan Hinsas Pratibedan, 26 November 2007- 30 April 2008, Kathmandu:10

12. UNMIN Report on Election 3. 6 Apr. 2008 http://nepal.ohchr.org/en/resources/Documents/Nepali/reports/HCR/2008_04_06_UNMIN_Election_Report3_N.pdf. accessed on 29 Dec. 2008

13. Rastriya Manavadhikar Ayog Nepal, Manavadhikarko Drishtima Sambidhansabha Nirbachan Anugaman Pratibedan 2065, Kathmandu: Jun.-Jul. 2065:53

14. 'Nepal Constituent Assembly Election: Preliminary Statement by The Carter Center, 12 Apr. 2008' http://cartercenter.org/news/pr/nepal_prelim_041208.html accessed on 11 Dec. 2008

day of the election was relatively peaceful compared with the time during the election campaign¹⁵. INSEC records show, however, that three persons were killed and at least seven were injured on the day of voting.

The Universal Declaration of Human Rights and the ICCPR decree that each person shall have the right to participate in the rule of the country, directly or indirectly, through elected representatives.¹⁶ National and international laws contain provisions determining that involvement in political activities should be conducted in a peaceful manner. The parties were seen attempting to disrupt each others' election activities with total disregard for the universal principles of human rights.

International election observers had stressed the need to end the culture of impunity with regard to election violence.¹⁷ While holding the active political parties responsible for failing to tackle the election violence by disregarding their own commitments, the international observers concluded that the security bodies unable to maintain law and order were also responsible for it.¹⁸

Several organisations concluded that the Maoists were responsible for much of the pre-election human rights violation.¹⁹ In many places the voters, election staff and even observers felt threatened. There were 331 violent incidents documented

before the election²⁰ and so it was only natural for the voters to be nervous in such an environment.

The Madhes had higher numbers of violent incidents before and after the election. Most of the perpetrators there were armed and unarmed groups and the victims were activists, groups, leaders and candidates affiliated with political parties.²¹ Armed groups detonated bombs at many places with the intention of disrupting the election. Two persons were killed on the spot and one later in hospital when a group detonated a bomb at a mosque in Biratnagar on the eve of election. Dev Shankar Poudel, a UML candidate in Ramechhap, Bal Chandra Poudel, a NC candidate in Rasuwa, Kaman Singh Lama, a Jana Morcha candidate in Kavre, and Bal Bahadur KC, a NC candidate in Solukhumbu, were brutally attacked by the Maoists so as to disrupt their election campaign. Likewise, Rishi Sharma, a UML candidate in Surkhet, Kamal Adhikari, a Rastriya Jana Morcha candidate in Banke, and Shambhu Prasad Singh, an independent candidate in Sarlahi, were murdered. Seven Maoist cadre were shot dead by police when they tried to disrupt the election campaign of NC candidate Khum Bahadur Khadka. Two Maoist cadres were killed in Rolpa and one in Solukhumbu during the election campaign while one MJF carder was also killed in

15. Rastriya Nirbachan Anugaman Sanjal (NEMA), Sambibhansabhako Nirbachan 2007 Paryabekshan Pratibedan. Aug.-Sept. 2008:2

16. Article 21 of Universal Declaration of Human Rights 1948 and Article 25 of International Covenant on Civil and Political Rights 1966

17. Culture of impunity for election-related violence must end, Press Release, ANFREL, 1st April 2008. http://www.anfrel.org/country_mission/Nepal/2008/ANFREL%20Culture%20of%20Impunity%20press%20statement%20-%201%20April.pdf. accessed 25 Nov. 2008

18. Ibid.

19. Rastriya Manavadhikar Ayog Nepal, Manavadhikarko Drishtima Sambidhansabha Nirbachan Anugaman Pratibedan 2065, Kathmandu: Jun.-Jul. 2065: 44

20. Loktantra Ra Nirbachan Sanjal Nepal (DEEN), Sambidhansabha Nirbachan Hinsra Pratibedan, 26 Nov. 2007- 30 Apr. 2008, Kathmandu:1

21. Ibid.

Sunsari.²²

One UML cadre was beaten to death by an unidentified group as he was returning home after the election²³. One Maoist cadre was shot dead by police on the eve of the election in Surkhet²⁴.

The incidents of election violence breached individuals' rights to freedom of peaceful assembly and freedom of opinion and expression. NHRC also concluded that the election violence had violated individuals' rights to freedom of mobility, the rights of political parties to conduct their activities, the right to participate in an election in a free and fearless environment, the right to information and various child rights.²⁵

Some government and non-governmental organisations had run voters' education campaigns. Such a campaign had greatly assisted in generating a high voter turn out. The media also played a pivotal role in raising public awareness on the election and voters' education. NGOs and networks also were engaged in raising peoples' awareness about the CA election by recognising that peoples' participation was crucial for making a new constitution and continuing the peace process.

2.3 Election Monitoring

Several national and international organisations monitored the election

across the country to ensure that it was free and impartial. Many organisations and networks made public their reports on the pre-election, election Day and post-election situation. Forty-three national,²⁶ 95 district-level²⁷ and international organisations including the Carter Centre, the European Union, ANFREL and FORUM-ASIA obtained accreditation as election observers. The monitoring networks had criticised the political parties and their sister-organisations for their involvement in violent incidents or violations of the code of conduct that occurred throughout the pre and post-election situation. An awareness campaign run by the observing organisations had supported the EC. The observing organisations concluded that, despite a few incidents of violence on the day of election, the voting was largely successful.²⁸

2.4 Constituent Assembly in Disarray

An inclusive Constituent Assembly was established pursuant to the Interim Constitution 2007. All marginalised groups including Madhesi, indigenous groups, and dalits have significant representation in the CA. This body has 197 female members²⁹ which is the highest in any elected body in Nepal's history. It can be hoped that the inclusive CA will be able to encompass all Nepalis. The Constitution of 1991 had

22. www.inseconline.org. Accessed on different dates.

23. 'Nirmam Tarikale Emale Karyakartako Hatya', www.inseconline.org, http://www.inseconline.org/Nepali/archive_show2.php?newsid=12672 accessed on 20 Nov. 2008

24. 'Surakshakarmiko Golibata Ek Maobadiko Mrityu', www.inseconline.org, http://www.inseconline.org/Nepali/archive_show2.php?newsid=12540. accessed on 22 Nov. 2008

25. Rastriya Manavadhikar Ayog Nepal, Manavadhikarko Drishtima Sambidhansabha Nirbachan Anugaman Pratibedan 2065, Kathmandu: Jun.-Jul. 2065: 30

26. http://www.election.gov.np/EN/pdf/observation/Observation_List_of_Observer_Groups.pdf. accessed on 27 Dec. 2008

27. <http://www.election.gov.np/EN/pdf/observation/ListDistNGO.pdf>. accessed on 27 Dec. 2008

28. EUROPEAN UNION ELECTION OBSERVATION MISSION "Largely successful election day despite tense campaign" PRELIMINARY STATEMENT, Kathmandu, 12 Apr 2008 http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/nepal/press_en.pdf. accessed on 25 Nov. 2008

29. Constituent Assembly, Details of Women Members 2008. <http://www.can.gov.np/opensection.php?secid=457> accessed on 29 Dec. 2008

failed to grasp the concepts of diversity of caste, religion, language, culture, geography and decentralisation. Lack of public participation in the process of the constitution making drafted following the Popular Movement of 1990 led to widespread disregard for guaranteeing the rights of the people. Although, the 1990 constitution, drafted by the Constitution Drafting Commission, comprising of the top leaders of the political parties and academics had incorporated universal standards of human rights as fundamental rights. But, this time around, the stress is not only on constitution drafting process and inclusiveness.

Almost all parties have expressed a commitment to the topic in their CA election manifestos which are almost identical in their expression. However, the increasing differences among the political parties may prevent the final draft of the constitution from being unanimously endorsed. The political stagnation that emerged after the CA elections has meant that achieving consensus is very difficult and it is unlikely that a final draft can be agreed upon unanimously.

Overall, the CA has not been able to assure the people that the constitution building process is proceeding in a serious and effective manner. There are also concerns over achieving resolution of the problems as CA members are continually resorting to aggressive ways to express their differences. The CA was disrupted during discussions on many issues. All these have been merely political and largely unrelated to the constitution making process. Realising their massive responsibility to draft the constitution, the parties should accelerate the constitution writing process. The first condition for this is that an environment of political

consensus is created.

The CA should not ignore its main mandate even while performing other roles commensurate with its duties as a Legislature-Parliament until the new government assumes power in accordance with the new constitution. The government should be more concerned with the facilitation of the CA's major task, the building of a Constitution.

The CA could neither work properly as Legislature-Parliament nor as constitution making body until the end of 2008 due to the political differences among the political parties. While assuming the role of Legislature-Parliament, it did not demonstrate any urgent concern towards passing the human rights related bills under consideration. Laws on domestic violence and disappearance could not be enacted. Besides that, it also ignored the Legislature-Parliament's two-year old direction to the government for accession to the Rome Statute. No member of the CA has drawn the attention of the government to this issue. (See chapter 3.3 Legislature & Human Rights)

2.5 Stagnant constitution building process

The CA regulation was passed towards the end of 2008. But, the process of constitution writing remains at a preliminary level. Several committees were formed but only after seven months of establishment of CA. One constitutional committee, 10 thematic committees, three procedural committees and 10 committees for the Legislature-Parliament have been created however the chairpersons of all 24 committees had not been selected due to the political differences.³⁰

The relationship between NC and Maoists which was strained soon after the CA election did not improve till the end

30. Constituent Assembly Regulation 2008. http://www.can.gov.np/doc_folder/31CA%20RULES%20OF%20PROCEDURE.pdf

of the year. Even the relation between the government coalition partners Maoists and UML has not been smooth. All stakeholders remain concerned that any consensus and coordination that existed among the parties during the struggle to establish loktantra might disappear entirely during the making of the constitution.

An end to the delay in the constitution making process is possible only by developing the culture of consensus and coordination. In this regard, some have opined that the leading partner of the coalition government, the Maoists, should initiate the process of garnering the consent and coordination of the parties.³¹

Meanwhile, there was a concern in academic circles that the party whip system which applies to the CA members would limit the sphere of discussion. However, these concerns, supported by parties other than NC, UML and Maoists, was sidelined once the CA regulation was approved.

3. Continuation of Political Instability

The struggle of the Madhesi parties had created some political instability before the CA elections, as such the CA election was made possible only after a last minute agreement with these parties was achieved.

The election date was announced around the same time as SLMM and SGM had called for an indefinite Tarai bandh. One protestor died in police shooting in Belaspur of Nepalgunj while another died in Sunsari.

As the agitation in Madhes intensified, the deferral of the election for the third time became a probability. The government was calling the parties for talks but they were adamant that they would only hold talks if the government agreed to all their demands.

The possibility of talks seemed unlikely after the government refused to agree with the Madhesi parties' demand for autonomous state within a federal state. At last, an 8-point agreement was signed by the government and the agitating parties leading to withdrawal of the indefinite bandh.

The political instability did not end after the CA elections as had been expected. The political differences continued after the establishment of CA and the instability created by that difference became one of the major causes of the delay in the constitution building process.

Differences surfaced among the parties regarding the selection of the CA chairperson, vice-chairperson, president and vice-president. The concept of parliament without any opposition vanished during the government formation process. NC, UML and MJF set a front against Maoists to elect the president and the vice-president. But, NC refused to join the government and chose to remain in the opposition adding to political instability. There was concern that the NC position would hamper the smooth work on constitution writing process. Despite repeated requests by the Maoists, NC remained firm in its decision.

Madhesi parties began obstructing the CA proceedings accusing the government of failing to implement the 8-point agreement signed before the elections. They were demanding a constitutional amendment that would incorporate that agreement. The government tabled the bill on the Fifth Amendment of the Constitution when the three major parties NC, UML and Maoists gave their consent. Article 138 (1) was amended to state that "accepting the aspirations of the Madhesi, indigenous

31. "Maobadile Naya Sambidhan Chaheka Chainan", <http://www.kantipuronline.com/nepali/koltalk.php?&nid=171224/> accessed on 26 Dec. 2008

nationalities, the marginalized and peoples from other areas for autonomous provinces, Nepal shall be a Federal Democratic Republic. While safeguarding the sovereignty, unity and integrity of Nepal, the Constituent Assembly shall decide on the borders, number, names, structures, as well as a detailed list of the centre and provinces, their resources and the sharing of rights³².

Likewise, Article 144 (4) was amended which now states that “in order to make the Nepal Army national in character, the entry of citizens, including Madhesi, indigenous nationalities, Dalits, women and those from marginalized areas, shall be ensured through legal provisions on the principles of equality and inclusiveness.”³³ Some Madhesi parties, however, expressed dissatisfaction over the Fifth Amendment saying it was contrary to their demands.³⁴

The main opposition party NC boycotted the parliament holding that its 9-point demand was not implemented. The boycott had continued by the end of the year. PM Pushpa Kamal Dahal had promised to meet the demand that the NC parliamentary group had submitted in a memorandum about one and a half month ago. While expressing his commitment, PM Dahal had promised to return the properties captured during the conflict, for those properties that were not returned by 15 December he promised to provide compensation of the properties after assessing the value of income to the owners. He further promised to form a committee to return land and to monitor the compensation process. He also vowed

to put an end to the YCL’s paramilitary structure.

It was logical for the main opposition to demand that all previous agreements be honoured, particularly the CPA. The main responsibility of the CA, however, was pushed into the shadow when the government failed to carry out its facilitator role in the constitution making process. Confusion persisted by the bickering of the political parties which had understood that main agenda of CA was the drafting of the constitution. The government even created the situation when the members of the coalition surrounded the rostrum. The continuance of the YCL’s unruly activities and the statements made by Maoist leaders such as ‘establishing a People’s Republic’ or ‘end of significance of 12-point agreement’ led to an increasing suspicion by the people towards the process of constitution making.

The CA election results changed the influence of the seven political parties. The Maoists replaced NC as the largest party, while MJF and TMLP also gained significant space. Pro-monarchy parties were crushed. Prior to the elections, the fear of resurgence of monarchists had forced the solidarity among NC, UML and Maoists. But, with the CA results, a new type of conflict emerged. The seven-party coalition was rendered meaningless by the end of the year. Madhesi parties began stating that it would be foolishness to guide the new political balance with old concept of seven-party consensus.³⁵

4. Challenges of Transitional Period

It is natural that several challenges

32. Fifth Amendment of the Interim Constitution, 2007. <http://www.kantipuronline.com/nepali/koltalk.php?&nid=171224/> accessed on 26 Dec. 2008

33. Ibid.

34. “Kichalo Kayamai, Sadan Ajhai Chalena”. *Annapurna Post*. 9 Jul. 2008: 1

35. Dev, Jitendra. ‘Madhesbadi Dalko Hangama’. *Kantipur*. 2 Jul. 2008. <http://ekantipur.com/kolnepalinews.php?nid=152207>. accessed on 23 Dec. 2008

and problems would have to be faced during the transitional phase. But, only the right kind of management throughout such a period can lead a country towards a new future. Nepalis participated in the CA election hoping for lasting peace, fulfillment of human rights, fundamental liberty and social security. The Government has not demonstrated any seriousness towards delivering on the hopes of the people. As such the people continue to be adversely affected by a state of insecurity and the proliferation of criminal activities carried out by several armed group on a daily basis throughout the year.

4.1. Hurdles to sustainable peace

Prior to the CA elections, its success was the common goal uniting NC, UML and the Maoists. But, soon after the elections, the parties resumed their old agendas and created friction. Maoists began interpreting the monitoring, management and integration of its combatants as the integration of two armies while UML and NC limited their interpretation to management of the combatants only. By the end of the year, people feared that the peace process would be disrupted as the parties were unable to find any resolution. There was no difference among the parties in implementing the CPA as per the 23-point agreement regarding the qualified combatants. But, the dispute on the integration of the combatants remained unsolved by the end of the year.

Several armed and unarmed groups continued their illegal activities in 2008. Youth organisations affiliated to the political parties added to the state of impunity with their unruly and violent activities. The government of the party which had led the armed conflict did not

take any action towards delivering justice to the conflict victims. The demand to put the perpetrators of serious violation behind bars was not addressed. The proposed Truth and Reconciliation Commission Bill could not even be passed this year. The concern over the bill's main focus on reconciliation and the suspicion that the government was planning to give blanket amnesty to the perpetrators remains.

4.2 Indifference towards peace process

The peace process could not continue expeditiously after Maoists did not adhere to the CPA. The agreement could not be put into practice even after two years of it being signed. This remained the stumble stone of the peace process. The political parties which had expressed a commitment to make public the whereabouts of the disappeared persons have not shown any accountability. The government has not been able to form the commission to look for the disappeared persons despite several entreaties by families. The captured properties are yet to be returned to displaced persons.³⁶ Some of the IDPs have returned home but due to the lack of security and the delay in receiving their captured properties life in their villages is very difficult.

The Maoist leadership repeated many times its promise that it would not be involved in any human rights violation or any act of violence. But, the party continues to shield many of its cadre who are accused of killing, abduction and beating.

None of the promised commissions including the Truth and Reconciliation Commission, the National Peace and Rehabilitation Commission and the State

36. Char Saya Pariwarko Jagga Maobadi Kabjamai. *Kantipur*. 25 Nov. 2008. <http://ekantipur.com/kolnepa-linews.php?nid=167956> accessed on 28 Dec.2008

Restructuring Commission were set up.³⁷ Although, the Ministry of Peace and Reconstruction had drafted the bill of Truth and Reconciliation Commission last year, it was not approved even this year. The commitment contained in the CPA to make public the whereabouts of the disappeared persons within 60 days also has not materialised. The Supreme Court had issued a directive order to the government on 1 June asking it to form a powerful commission for the investigation of disappeared persons after compiling all the habeas corpus writs filed on behalf of 83 prisoners and disappeared persons. It also directed the government to criminalise the act of disappearance and provide compensation to the families of those who were disappeared.³⁸ But, the government could not draft a law to criminalise enforced disappearance. It had tabled a bill regarding amendment of the National Code to incorporate a clause on disappearance and abduction. But the Parliamentary Management Committee returned it asking for a new one adding the presented bill did not deal with the criminalisation of enforced disappearance and lacked a provision to prosecute the perpetrators.³⁹ The Council of Ministers approved the bill on disappearance which includes a provision to set up a Commission on enforced disappearance.⁴⁰ However the government could not present a new bill incorporating the suggestions made by the

Parliamentary Management Committee by the end of the year.

Point number 9 of the 23-point agreement signed by the government and the Maoists had provisioned for the return of public and private land and properties captured by the Maoists within one month. But the agreement was not properly executed. The Maoist leadership directed its cadres to return the captured properties however the cadres at the local level were found to be ignoring this direction. Although there were some efforts made by those at the central level, the local cadres continued to create obstructions.⁴¹ In fact people are being displaced even after the peace agreement.⁴² In clause number 5.2.8, both sides had expressed the commitment to allow the displaced persons to return to their origin without any political prejudice.⁴³

4.3 Disregard for several agreements

The agreements signed with several communities who launched agitations demanding the right to self-determination and identity were not seriously implemented in 2008. It was perceived that the agreements addressing the demands of the Janjatis made at different points of time were shelved after some period.⁴⁴ Last year, the government signed a 20-point agreement with Nepal Federation of Indigenous Nationalities and Indigenous Nationalities Joint Struggle Committee.

37. Peace Committee, Peace Secretariat. Point number 7.1.5 of Comprehensive Peace Agreement signed between Nepal Government and CPN (Maoist). 2006: 26

38. INSEC. Chapagain Bidhya, Prekshya Ojha and Samjha Shrestha. 'Impaired Accountability', INSEC, Kathmandu: Aug.-Sept. 2008:21

39. Ibid.

40. Govt forms admin restructure panel. <http://www.ekantipur.com/kolnews.php?&nid=167337>. accessed on 1 Dec. 2008

41. Rastriya Manavadhikar Ayog. Annual Report 2008, Kathmandu:16

42. Ibid

43. Peace Committee, Peace Secretariat. Point number 5.2.8 of Comprehensive Peace Agreement signed between Nepal Government and CPN (Maoist). 2006, Kathmandu:16

44. INSEC. Nepal Manavadhikar Barshapustak 2008. Kathmandu: Informal Sector Service Centre, 2008, 19 Feb. 2008: 33

Likewise, there was a 4-point agreement and a 9-point agreement between government officials and Chure Bhawar Ekata Samaj. The Nepal government and MJF also had a 22-point agreement. The agreement between the government and Nepal Rederation of Indigenous Natinalities and Indigenous Nationalities Joint Struggle Committee was partially followed.⁴⁵ The government adopted their demand for proportional representation in CA but other points including the establishment of a Indigenous Nationalities Commission were not executed.

Women human rights defenders held a sit-in for 24 days from 13 July in the capital protesting at the continuing state of impunity against the perpetrators of violence against women. After that, the government formed a working group to provide recommendations on the establishment of a high level commission on violence against women. The working group had not submitted its report by the end of the year.

Except for the declaration of Nepal as a republic, none of the 23 points agreed among the seven political parties were implemented. There were several agreements with haliyas (bonded land tillers) and the armed Tarai-Madhes groups including SJTMM (Pawan Singh). Likewise, the seven parties came to another 22-point agreement concerned with taking the peace process to its logical conclusion and amending the constitution in order to add a provision on presidential election procedure. The agreement also had talked about disbanding the paramilitary structure and working style of the YCL and returning all government, private and public property it was holding to the

owners within 15 days. But the Maoist leadership did not show any interest in materialising those commitments.

4.4 The sorry state of law and order

The republic system did not meet the expectation of an improvement in the state of security. The government was unable to put the persons involved in criminal activities behind bars. The government did not demonstrate its command in curbing such incidents and it failed to stop Maoist cadres from flouting the laws. The government was not as active as it should have been in taking action against those involved in theft, robbery and lootings in areas including highways by arresting and prosecuting them.⁴⁶

The aforementioned principles on impunity were overlooked as no culture of accountability was established. The government's behaviour gave rise to a belief that no government and system was keen to guarantee Nepalis' human rights and fundamental rights. The Maoists, who had taken to arms ostensibly to raise issues of inclusiveness and peoples' rights, were found to have prioritised their own political agenda over the realisation of peoples' rights. There was no perceptible difference between the democratic system established after the Popular Movement of 1990 and the democratic republican state system of 2006. The political agendas topped the priorities in discussion and implementation then and they continue to do so even now. Although issues of people's rights have been raised, nothing significant was done in practice: 'State of law and order remained weak owing to political instability and culture of impunity.'⁴⁷

45. Different Agreements and Treaties and Status of Implementation <http://www.peace.gov.np/admin/doc/Karyanyan%20sthati.pdf> accessed on 11 Dec. 2008

46. Rastriya Manavadhikar Ayog. Annual Report 2008, Kathmandu:14

47. Ibid.

4.5 New faces of violence

The series of killings did not stop even after the official end of the armed conflict. Rather new entities of violent groups emerged. Maoists had taken up arms in 1996 protesting against the state ruling system and policies, nowadays many different groups and communities are involved in agitations each with a different sets of demands. The struggle to attain one's rights is a justifiable one but the struggle of some groups has morphed into abduction and demand for ransom, extortion of money in the name of donation, death threats and killing persons for failing to pay the asked amount of money. These tactics are quite contrary to their demands. In particular the Madhesi groups could not justify their struggle for the common good of Madhesi groups because of such violent acts. The formation and splitting of new groups became a normal occurrence. Such armed groups seemed more involved in their criminal activities rather than in political ones. They were involved in an increasing number of criminal activities. Beside that, some groups in eastern hilly areas, demanding autonomous region or separate state, continued to make their presence felt with calls for bandhs and strikes.

4.6 Armed tarai groups

There were over two dozens armed groups active in violent activities in Tarai; 'Tarai remained affected by violence as in the last year'⁴⁸. Such groups were involved in killing, abduction, extortion and forced donation. The activities did not cease even when the government was holding dialogues with some of the groups. Although the groups profess to have political agendas, their activities are

generally criminal. Despite their claim that they were protesting against the injustices rendered to the Madhesi by the state, most of their victims were in fact the people of the same community. This is supported by INSEC documentation. 'Armed groups are increasingly involved in demand for donation, abduction death threats of persons or families if amount is not paid. The problem is stark in the Tarai districts of Bara, Parsa, Rautahat, Mahottari, Sarlahi, Dhanusha, Siraha and Saptari⁴⁹. The armed groups have targeted all sections of people from commoners to professional, health workers, businessmen, government officials, VDC secretaries and teachers.

The identities of most of the people involved in the criminal activities are not known although their whereabouts are public knowledge. Lack of information on identities of such active criminals is matter of grave concern. INSEC records show that most of the killings have been carried out by unidentified groups. We can say that impunity for the armed groups has motivated even other groups to resort to such acts of violence without any fear of consequence. The truth about such groups is not well known due to the inactivity of the police administration. Even the trend of abduction and killing of children is on the rise.

4.7 Armed and unarmed groups in hilly region

The activities of some of the groups in hilly areas of the east created tension throughout the year. Indigenous groups intensified their agitation with a demand for an autonomous state. Groups including Tamsaling, Limbuwan, Kirant Workers Party and Magarant were involved in

48. INSEC, Press Statement. 20 Nov. 2008. http://www.inseconline.org/Nepali/npress_detail1.php?newsid=450. accessed on 28 Nov. 2009

49. Rastriya Manavadhikar Ayog. Annual Report 2008, Kathmandu:12

agitations demanding a state on the basis of the dominance of their population. The agitations of each group with its own set of agendas calls for strikes and bandhs affected the normalcy of public life.

Differences surfaced even among the groups in eastern hilly region. All have demanded separate states in the area. In an effort to exert pressure on the authorities, they were all seen creating tension and tumult in the region. Some groups were involved in carrying out explosions, beatings, abductions and extortion. 'In Ilam, many people were displaced due to activities of VC Force, set up for the security for Kirant religion'⁵⁰.

4.8 Culture of impunity

The guarantee of human rights and the rule of law is the major condition for sustainable peace but the pervading culture of impunity remains the main obstacle for the peace process in Nepal. The culture of impunity affects the protection and promotion of human rights. The claim that the culture of impunity had contributed to the increase of crime and human rights violations in Nepal was raised many times in 2008. The criminals are escaping justice because of the culture of impunity. The weak policies of the security authorities and its weak legal procedures have also provided grounds for crimes to continue.

The government's actions or lack thereof has given the impression that it was promoting culture of impunity instead of ending it. The political parties seem engaged in institutionalising a culture of impunity in order to fulfil their political interests. 'Responsible political parties themselves are backing culture

of impunity'⁵¹. An example of this is the decision of the Council of Ministers which decided on 3 October and 27 October to release persons arrested on different criminal charges. The persons jailed on serious charges of crime were pardoned instead of being made to serve their jail terms. The government withdrew serious criminal cases and cases of crimes against humanity in the name of political ideology. On 27 October, the government decided to withdraw 349 cases under consideration in the court including cases of murder and rape. Out of 99 murder cases, 12 occurred after peace agreement. Even the case against those accused of killing CA election candidate Kamal Prasad Adhikari of Jana Morcha Party was withdrawn.

On 3 October, the government decided to pardon 372 serving prisoners including Chandra Bahadur Nembu. OHCHR-Nepal chief Richard Bennett commented on the decision demanding investigation into some of the withdrawn cases given their gravity⁵².

'Bringing crime and lawlessness under control by improving state of security in the society and curbing impunity'⁵³ is included in government's policy and programme. But it is heading in the opposite direction to its policy and programme. It is resorting to interpreting double meanings in words and deeds which in turn are affecting the establishment of good governance and social norms and values.

There is a clear legal provision that any act carried out by either side including killing and abduction after 21 November 2006 will be registered as a criminal activity meaning the accused is to

50. Ibid: 16

51. Press Statement. 20 November 2008. http://www.inseconline.org/Nepali/npress_detail1.php?newsid=450. accessed on 28 Nov. 2009

52. http://nepal.ohchr.org/en/resources/Documents/English/statements/HCR/Year2008/Dec2008/2008_12_10_Speech_NHRC_Event_E.pdf accessed on 22 Dec. 2008

53. Kantipur. <http://ekantipur.com/kolnepalinews.php?nid=157857> accessed on 22 Dec. 2008

be arrested according to the criminal laws. But, the withdrawal of cases including the ones which occurred after the CPA as per the decision of 27 October through the decision of the Council of Ministers corroborates the accusation against the government that it encourages impunity.

Impunity is exemption from punishment for those violating laws and lack of proper provision or attempt to punish them. Generally, this situation emerges due to human rights violations. Impunity flourishes when the state is unable or unwilling to investigate any human rights violation.⁵⁴ A similar situation is persisting in the political circle in Nepal and the people feel that their government is unwilling to end the state of impunity.

No action was taken against any persons violating the laws. It appeared that youth organisations established by the political parties were being directed towards involvement in unruly activities rather than being used to voice their concerns publicly in the CA. UML established Youth Force to counter the activities of the Maoists' YCL in an illegal manner following the notion of eye for an eye. Cadres of Maoists' organisations including YCL, Federation of All Nepal Trade Union and ANNISU-R busied themselves with holding individuals, beating and treating them inhumanely in the name of maintaining peace and security. They continued to hear complaints and control crimes even in 2008. UML's Youth Force was also involved in beating government staff in the name of catching corrupt persons.⁵⁵

Impunity is a political culture

and the continuity of the legal state and its strengthening plays a crucial role in discouraging impunity in the post-conflict period⁵⁶ however the political leadership's tendency to shield the cadre encouraged them to continue the pseudo-policing acts. Loopholes in principles of law and legal mechanisms and lack of implementation of laws encourage impunity which in turn affects the effective protection of human rights. Political and administrative interferences also affect the rule of law.⁵⁷ Even when the security authorities attempt to take action against persons criminally involved, the interference from political leaders ensures their impunity. Such a situation is especially prevalent at the local level.

There are some allegations that the security persons themselves are involved in criminal activities. People complain that although the police are aware of most of the criminal incidents occurring in the Tarai, they are not willing to take action against the persons involved. It is suggested in informal circles that the reason behind their unwillingness to deal with such crimes was their direct or indirect involvement in those incidents. However, those charges have not been verified by any investigation. Impunity is spreading even due to the lack of a culture of accountability. Both sides involved in violation of human rights during the conflict are still not held accountable. The Maoists who used to justify their decision to raise arms by pointing to the repeated disregard for justice are now in power. But now it seems that their justification for armed conflict was merely a populist

54. Human Rights and Democratic Forum. Dandahinata Abadharana, Samasya Ra Nidan, 2064, Kathmandu:8

55. Ratriya Manav Adhikar Ayog. Annual Report 2008, Kathmandu:11

56. Human Rights and Democratic Forum. Dandahinata Abadharana, Samasya Ra Nidan, 2064, Kathmandu:13

57. Ibid.

slogan. The Maoist cadres have not initiated any action against the persons of either sides accused of being responsible for extra-judicial killing, illegal detention, torture and enforced disappearance among others. They have yet to give up their activities which violate human rights. The party which is leading the government has so far failed to punish its own cadres for killing and abduction. Rather it has taken great efforts to save the accused. There was no legal action taken against the persons accused of being responsible for the killing of Ramhari Shrestha.

OHCHR wrote to Deputy PM Bamdev Gautam asking him to ensure accountability regarding the killing of Ramhari Shrestha. OHCHR Nepal chief had expressed concern over the arrest of only one of the five accused, even that after six months.⁵⁸ The committee set up to investigate the death of Shrestha submitted its report to the government but it was not made public.⁵⁹ Other Maoist cadres were also found involved in murders even after Shrestha's killing. The Maoist cadres abducted, tortured and killed two youths of Syuchatar, Kathmandu following a minor scuffle towards the end of the year.⁶⁰

The activities of YCL and Youth Force, both the sister organisations of the two largest parties of the coalition government also disrupted the state of peace. The government however tried to escape its own responsibility by maintaining silence and setting up a probe

commission.⁶¹

Individuals and groups were seen assuming the role of arbiters for justice for the public the police administration were sidelined. The political parties blatantly violated the constitution and existing laws when they gave protection to such groups. That directly violated the peoples' right to a peaceful life.

5. Apathy towards Human Rights

The strongest foundation for the institutional development of loktantra is full guarantee of human rights. Loktantra and peace cannot thrive without realisation of human rights. The protection of human rights is a sound base for sustainable peace. It is the state's obligation to guarantee people's civil, political, economic, social and cultural rights. The post-April movement government, however, did not seem sensitive towards the protection of people's human rights.

The people of some districts of mid and far western parts of the country faced severe shortage of food.⁶² The Right to Food Network Nepal attributed the food crisis and famine in the districts to lack of good governance, dependency and faulty centralised development policy.⁶³ The state was unable to ensure that people had easy access to food to tackle the food shortage. The government, entrenched in political issues, did not focus on the peoples' basic right. The Supreme Court

58. OHCHR-Nepal requests Home Minister to create accountability in murder case of Ramhari Shrestha, Press statement, OHCHR-Nepal http://nepal.ohchr.org/en/resources/Documents/Nepali/pressreleases/Year%202008/DEC2008/2008_12_29_PR_Ramhari_Shrestha_N.pdf. accessed on 29 Dec. 2008

59. Ibid.

60. "YCL dwara Apaharit Dui Yuwakko Hatya", *Kantipur*. 20 Nov. 2008 <http://ekantipur.com/kolnepalinews.php?nid=167237> accessed on 20 Dec. 2008

61. "Dui Chhuttachhuttai Ghatana Chhanbin Garna Ayog Gathan", *Kantipur*. 20 Nov 2008 www.inseconline.org. http://www.inseconline.org/Nepali/archive_show2.php?newsid=17555

62. "Bajurama Anikal, Balbalika Badi Prabhawit". *Kantipur*. 7 Jul. 2008 <http://ekantipur.com/kolnepalinews.php?nid=152758>. accessed on 28 Nov. 2008

63. Report on Hunger and Food Crisis Released. http://www.rm.org.np/news_events/press_release/hunger_pressrelease_nep.htm accessed on 25 Nov. 2008

issued a directive order to the government concluding that it had been unable to strongly protect and promote the peoples' rights. Furthermore the increasing rate of crime deprived the people of their right to live without fear.

The Legislature-Parliament had directed the government on 25 July 2006 to accede to Rome Statute but the direction was not implemented even in 2008.

The government did not take any bold step to end the structural violence rampant in the country. Reports released by several organisations showed that large numbers of women were enduring domestic violence but there was no law drafted in 2008 to deal with the problem.

Many Special Procedures requested the government for invitation to visit the country but very few were invited. Some of the requests are pending since 2003.⁶⁴

The Special Representative of Secretary General for Children and Armed Conflict Radhika Coomaraswami and Prof S James Anaya, United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people visited Nepal this year and both provided some recommendations to the government.

Speaking at a discussion programme, Coomaraswami reported that PM Pushpa Kamal Dahal had promised to release 2,973 children who were found to be underage and currently living in Maoist cantonments.⁶⁵

Likewise, Anaya who came to Nepal in a 9-day visit asked the government to

address the demands of indigenous peoples during the state restructuring. He requested Nepal to focus on modernity and flexibility in the development of federal model which would promote the human rights of all diverse nationalities and indigenous groups. He also stressed the need to give enough space to the legitimate demands of the indigenous groups and nationalities for self-determination and autonomy in the discussion on the structure federal state which will be finalised in the new constitution.⁶⁶ Nepal should implement the recommendations made by the UN Special Rapporteurs and should honestly abide by the commitments it has expressed.

6. Denial of Justice for Conflict Victims

The people who suffered during the 10 years of conflict were left waiting for justice even this year. No one responsible for grave violations was put behind bars. The government did not show any interest in exposing the serious crimes that occurred during the conflict, punishing the perpetrators and providing reparations to the victims. The issue of justice comes as first condition whenever sustainable peace is discussed. Human rights protection thrives and peoples' rights are protected wherever there is a judicial environment. 'Reconciliation cannot be judicial and long lasting until the need for justice is effectively satisfied. So, the ideal goals of peace, humanity and democracy cannot be attained if the impunity of the human rights violators is not put to an end'.⁶⁷ But neither the government nor the political

64. Country visits of Special Procedures Mandate Holders since 1998 www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#nepal

65. Samyukta Rastra Sanghka Mahasachibka Bishesh Pratinidhi Ra Manavadhikar Kshetrama Karyarat Pratinidhiharuka Bich Antarkriyatmak Chhalphal. http://www.inseconline.org/Nepali/archive_show2.php?newsid=17672. accessed on 15 Dec. 2008

66. http://nepal.ohchr.org/en/resources/Documents/Nepali/pressreleases/DEC2008/2008_12_02_Press_Conference_SR_N.pdf

67. Human Rights and Democratic Forum. Dandahinata Abadharana, Samasya Ra Nidan, 2064, Kathmandu: 49

Proposal for Implementing Democratic Republic

Respecting the historical struggle, revolt made by Nepali people time and again since before 2007BS (1951), respecting the people's mandate expressed in the people's movement, acknowledging the responsibility entrusted by the history, Nepal Government, Cabinet tables following proposals at the first meeting of the constituent assembly for implementation of declaration of republic to institutionalize the achievements achieved in the past as per the agreement between political parties and Article 159 (2) of the Interim Constitution 2006:

1. This first meeting of the CA declares that Nepal is officially converted into a federal democratic republic from today. Nepal shall remain sovereign, independent and integrated, secular and inclusive with sovereignty and state authority vested in the people.
2. As the agenda of republic has been implemented with due legitimate process, all the constitutional, legal and administrative provisions that contradict with this declaration shall be scrapped from today. All special legal, cultural, social and traditional privileges, rights, honour and facilities the former king and his family used to enjoy immediately before this declaration shall be automatically scrapped.
3. In the pretext that the country has been declared a federal democratic republic, a bill to amend the interim constitution to incorporate and constitutionally institutionalize the provision of president and other necessary provisions. Another bill will be presented in the near future to bring in other provisions on election procedures and the powers and duties of the president.
4. As Nepal formally entered into Federal Democratic Republic, and the country witnessed beginning of new era, in this historic occasion the meeting extends tributes to the known and unknown martyrs. On this occasion the meeting congratulates all Nepali people and requests all Nepali people who were residing within the country or abroad to mark Jestha 15 as the Republic Day from next year by organizing various programmes.
5. In the pretext that the country has been declared a republic, the Nepal Government shall make all necessary arrangements for utilizing all the heritage inside the Narayanhiti palace in the national interest including setting up a historical museum.

(Unofficial translation of the proposal tabled by Home Minister Krishna Prasad Sitaula on behalf of Prime Minister Girija Prasad Koirala of the first meeting of the constituent assembly)

parties have realised this fact. Conflict victims have not stopped beseeching the political parties and other state bodies. They complain that they had to abandon their homes for having party ideologies different than that of Maoists but those same parties have now abandoned them.⁶⁸

7. State Restructuring and Right to Self-determination

After April Movement, the voices that exhorted the state for not appreciating

the multi-ethnic, multilingual and multi-cultural nature of Nepal in the past were heard everywhere. All the political parties agree with this issue in principle. But, it was felt that the approaches to end the age-old suppression, heal the wounded self-respect and stop the exploitation of vulnerable groups were too slow in 2008. The debate over whether to opt for the representation of several peoples in the policy making level of the state or to establish their rights through federalism was one of the top agendas in discussions

68. "Maobadi Piditdwara Congress Karyalaya Gherau". *Kantipur* 2 Dec. 2008 <http://ekantipur.com/kolnepa-linews.php?nid=168783> accessed on 29 Dec. 2008

throughout the year.

The topic of state re-structuring gained prominence following the April Movement of 2006. The concept of achieving the participation of all the groups and communities who had been marginalised in the past in the state mechanism through state restructuring was accepted by all in principle. 'In terms of the democratisation of the system and the state, it is quite necessary to manage the country in the regional structure'⁶⁹. All the parties seem to have accepted that. They have expressed their stand on the state restructuring in the CA election manifestoes and all of them have expressed their favour for the federal model of the state. All the parties unanimously consented to the federal state whatever future model of federalism that would be. It was only natural of course for all parties to agree on the concept of federalism when the first meeting of the CA had declared that the country would adopt the federal democratic republic model.

Now the political parties need to focus on what kind of federal system they will be choosing. The CA should be able to decide on the model after an earnest discussion. Some perceptions and concepts have been made public. Some have proposed the formation of a federal state on the geographical basis while others have opined that ethnicity should be the basis some nationalities have demanded for a federal state on the basis of distribution of their population.

The opinion that the federal system in Nepal should be adopted on the basis of geographical distribution of the population remained in circulation throughout the

year. 'Federal Nepal on the basis of ethnicity is not at all justifiable in a mixed society like Nepal'⁷⁰, some intellectuals have opined.

8. Neglegence of Government Policy and Programme

The parties of the coalition government had endorsed its common minimum programme respecting the spirit of the April Movement. The formation of the government became possible after UML, Maoists and MJF agreed to take the peace process to a logical end by implementing all agreements, accords and decisions. The commitment towards peaceful resolution and management of the problems and conflicts is mentioned in the CMP. It also reiterated the commitment already mentioned in the CPA referring to the formation of National Peace and Reconstruction Commission, High-level Truth and Reconciliation Commission, State Restructuring Commission and Commission to find the whereabouts of disappeared persons among others⁷¹. But the government initiated no steps towards fulfilling those commitments.

President Dr Rambaran Yadav presented the first policy and programme of the Nepal government as per the CMP endorsed by parties of the coalition government.

The government announced that it would have a common responsibility to put an end to all forms of feudalism and its remnants and to resolve various socio-economic problems stemming from the feudal state restructuring in the past and, while doing so, the government would be laying down the foundation of an

69. Acharya, Narhari. Naya Nepalko Prastabana. 1 Jan. 2000, Kathmandu: 13

70. Dr KR, KC Surendra. Nepalko Rajya Punhsamrachana Ra Sambidhansabha, 2063, Kathmandu:42

71. Documents: Minimum Common Agenda. *Kantipur*. 22 August 2008 <http://ekantipur.com/kolnepalinews.php?nid=157857> accessed on 22 Dec. 2008

independent and self-reliant new Nepal on the basis of new democratic norms and values for which, the government is determined to prepare a common program based on political consensus and implement it.⁷² The government further mentioned that it would move forward consistent with the necessary legal practices of proportional inclusiveness, incorporating at all fronts and levels of the state; women, ethnic and indigenous communities, marginalized minorities, Madhesi, Muslim communities and people in marginalized regions and this would be on the basis of the principles of equality and progressive values and social justice.⁷³

Although the government outlined in its programme that the High-level Truth and Reconciliation Commission and Commission on Disappeared Persons would be established soon they were not till the end of the year. The government also expressed a commitment to end the state of impunity but it was not earnest in this commitment. Rather it added to the impunity by pardoning even those serving prison time for criminal acts calling them political prisoners. The policy and programme also called for the formation of a State Restructuring Commission comprising of experts to establish federal state model in the country and end the unitary centralised model but no such commission was formed by the end of the year.

9. Conclusion and Recommendations

The Interim Constitution has already established a republic system but only the new constitution is able to institutionalise the federal republic state model in Nepal. A change from the pre-CA

elections political situation is the Maoists' disregard for early agreements and attacks on the democratic norms and values. This has created challenges for constitution building.

The agreement signed by the parties which aimed to establish lasting peace in the country by the drafting of a new constitution as per the spirit of the Popular Movement and Loktantra should not be disregarded. Any attempt by a party to interfere with the sphere of basic norms of loktantra including plurality, rule of law and human rights will be against the spirit of the April Movement. Guarantee of the people's civil, political, economic, social and political rights in new Nepal is possible only through the writing of an inclusive constitution.

Disputes and differences among the political parties have, however, given rise to doubts over the timely drafting of the new democratic constitution. The lack of momentum towards the progress being made in writing the constitution remained a cause for concern by the end of the year.

The people have had to face a shortage of basic needs including electricity, petrol and gas even in 2008. But, they remained hopeful for new Nepal and have cited the wrong or incomplete political and development policies of the past as the root of the current problems. All remained concerned that the political system might be diverted out of the path of loktantra. The statements of the Maoist leaders and the unruly behaviour of the Maoist cadres fuelled such concern. It was natural to wonder about the extent of democratic elements in the constitution being drafted in the leadership of the Maoists, as it has remained aggressive

72. Policy and Programme of Nepal Government 2008/09 http://www.can.gov.np/doc_folder/16Budget-Sept7.Doc

73. Ibid.

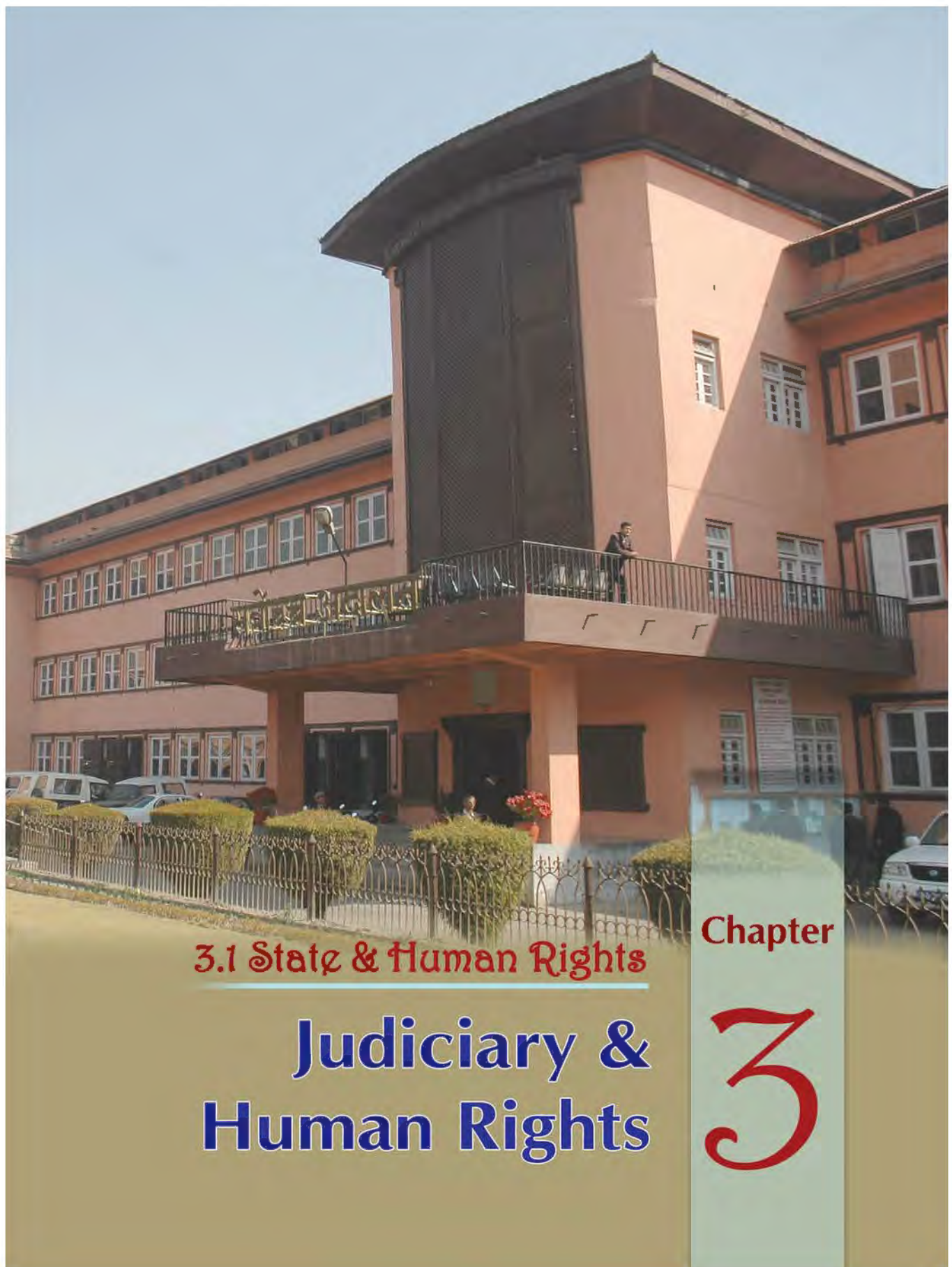
towards human rights protection and the right to freedom of opinion.

Despite all this the role of NC and UML which have stuck to loktantra will be instrumental in building of the constitution. The conclusion that 'Maoists have changed their strategy and working policy, they have not changed their goal'⁷⁴ indicates the challenges lying ahead.

Some recommendations for the government and the political parties:

- The policy of consensus and coordination should be adopted ending the political stalemate that has emerged after the formation of CA
- All parties should put the constitution-making process on their list of priorities while renouncing partisan interests
- Necessary steps devised in the CA to deliver justice to the victims of armed conflict should be taken without any delay.
- Increasing incidents of violence and crimes should be tackled to provide security to the people.
- Steps should be initiated to end the state of impunity. Criminals should not get any political protection
- Necessary steps should be taken immediately to implement different agreements signed with agitating groups
- PM Pushpa Kamal Dahal's commitment made to the UN Special Representative Radhika Coomaraswami on releasing 2,973 children currently living in the cantonments should be executed without any delay
- Unlawful activities of the sister organisations of the political parties should be checked and action should be taken against the persons involved
- Parties should issue firm directions to their sister organisations to stop the violent activities





3.1 State & Human Rights

Judiciary & Human Rights

Chapter

3

Chronology (1 January- 31 December 2008)

2 January

The Supreme Court directs the special court to enhance the standard of judicial decisions to maintain public confidence in the justice system

6 January

The former Supreme Court Justice Top Bahadur Singh says that the judiciary is in a weak position and fails to perform in a free and effective manner

7 January

The Parliamentary Hearing Special Committee holds a hearing of Tahir Ali Ansari and Rajendra Prasad Koirala whose names were proposed for the position of Supreme Court Justices

10 January

The Parliamentary Hearing Special Committee recommends Tahir Ali Ansari and Rajendra Prasad Koirala as permanent justices of the Supreme Court

11 January

Chief Justice, Justices of the Supreme Court and the Nepal Bar Association agree to address justice as 'Mananiya Nyayadhish' instead of *Sriman*, which was used while addressing the Justices in the past.

13 January

CJ Kedar Prasad Giri warns the Justices of the Supreme Court and Judges of the Appellate Court that they will lose public trust if they fail to uphold the judicial standard

17 January

Supporters of the Chamati Land Integration project chant slogans against the presiding justice in Supreme Court during the hearing

24 January

Supreme Court decides that land under Guthi cannot be transferred and

exchanged to another status while repealing a law on Guthi saying that converting land under Raj Guthi into raikar was against the Constitution

27 January

Anup Raj Sharma was recommended as chairperson while Tap Bahadur Magar and Ram Kumar Sah were recommended as members of the Constituent Assembly Election Court

6 February

The joint bench of SC justices, Anup Raj Sharma and Kalyan Shrestha, order the government to stop the distribution of 1 million rupees to each parliamentarian from the Election Constituency Development Fund

7 February

The SC directs the government to upgrade the health sector by maintaining regularity on the supply, quality and price of medicines

10 February

The government of Nepal establishes the CA Court to hear CA related disputes using the authority of section 3 of the Constituent Assembly Court Act 2008.

The SC justice Anup Raj Sharma was appointed as the chairperson. Tap Bahadur Magar and Ram Kumar Sah were appointed as members and co-registrars while Nahakur Subedi of the Judicial Council was appointed as the registrar.

1 March

The Administrative Court repeals the decision of the Ministry of Water Resources which affirmed the use of different actions against public officials of same status. The CIAA directed the Ministry to stall the promotion of eight including the then Bagmati Irrigation Project Chief, Uma Kant Jha, on charges of irregularities. On the basis of the CIAA order, the Ministry had taken action against all the accused except Jha.



3 March

The government was asked to reply to the writ petition that demands an annulment of Section 72 of the Army Act 2006 because it is against Article 24 (3) of the Interim Constitution

9 March

The SC asks for a reply in writing from the Election Commission and the government regarding the writ petition filed by the Nepal Sadvawana Party (Anandi Devi) which claims it as the mother party

10 March

The SC directs the DAO in Kavre to proceed with the case against six Maoist cadres including central committee member Agni Sapkota accused of murder

11 March

The SC decides on the corruption case against Nepal Rastra Bank governor, Bijay Nath Bhattarai, after a six month delay

16 March

The SC submits its annual report to the Offices of the Prime Minister and the Council of Ministers

17 March

The Kathmandu District Court sentences Prabhat Kumar Gupta to five years for assaulting CJ Kedar Prasad Giri

27 March

The SC decides that the National Code Chapter 6 on False Imprisonment is not against the spirit of the freedom from torture provision enshrined in Article 26 of the Interim Constitution, the ICCPR or the CAT to which Nepal is a state party

16 April

The SC issued a directive order to the government to provide education to hearing-impaired students through the use of sign language and through the use of an interpreter starting next year. The order further asks the government to formulate

laws to ensure Nepali Citizens' rights to education, health, employment and social security

A directive order to the government is issued to formulate laws for citizens' rights to basic education and health services as mentioned by the Interim Constitution

12 May

The government asked to criminalize the excessive use of force by security forces.

The government was also asked to take action against the security personnel involved in the killing of Umesh Thapa and to make laws punishing those who violate human rights by the excessive use of force

26 May

The government is asked to provide a food allowance to the personal security offices of the SC and the Appellate Court Judges similar to that which the personal security offices of the Ministers and State Ministers received

28 May

The Legislature-Parliament endorses the fourth amendment of the Interim Constitution which includes the procedure of enacting a president and vice-president

2 June

Ram Kumar Ojha of the Nepali Janata Dal filed a writ petition to the SC asking for an annulment of all the decisions of the CA as the decisions were taken before nominating 26 members of the CA as provisioned by the Interim Constitution

5 June

A directive order is issued to the government to formulate a policy and programme encompassing provisions for pregnant women prisoners and breast-fed children. The order asks the State to recognize its obligation to provide proper care to pregnant prisoners for the health,

nutrition and protection of new born babies.

6 June

The SC asks for a written reply from the Minister of Supply, Shyam Sundar Gupta, on the writ petition filed by Sarita Giri of the NSP (Anandi Devi) over harassment while she was in SC on 15 May to obtain a copy of a SC decision

15 June

CJ Kedar Prasad Giri complains about delay in the delivery of justice due to lack of judges in the SC

16 June

The District and Appellate Court Judges boycott a hearing for two hours in protest of the statement made by the NBA Chairperson Bishow Kant Mainali.

A full division meeting of the SC judges, chaired by CJ Kedar Prasad Giri, bars the Bar Association President from practicing in any court in Nepal for six months in the capacity of a senior advocate.

30 June

The Special Army Court decides to expel Amaladar Bhakti Shah posted in Kharipati, Bhaktapur district charged of being involved in lesbian activities

7 July

The joint bench of CJ Kedar Prasad Giri and Ram Kumar Sah names 91-year-old Satyamaya Manandhar as patron of Laxmi Narayan Temple in Gaur, Rautahat district. The case was filed in 1976.

The SC directs the government to release Kamala Shrestha (alias Tasi Dolma), Nawang Sangmo and Kalsang Chung. The three were illegally detained on charges of protesting against activities of the Chinese government

8 July

The government of Nepal release asked to three Tibetan protestors saying there were no grounds for continuing their detention

10 July

A directive order was issued to the government to create a provision to punish acts of marital rape while delivering a verdict on a writ petition which asked for a longer jail term against a man who commits marital rape

The SC quashes a writ petition which asked for an order against gender discrimination of women migrant workers saying the law already ensures the equal rights of man and women in foreign employment

The Court quashes an anti-dowry writ petition citing section 2 of Social Acts Reform Act 1977 which allows up to Rs 10,000 to be given as a dowry

11 July

President Dr Ram Baran Yadav was sworn in by the CJ

The Bajhang District Court orders a one year jail term to the Bajhang CDO Durga Dutta Poudel for polygamy.

14 July

The bench issues a mandamus to all DAOs asking them to settle public offences within three months

The SC decides to deliver a verdict within about custody or remand on a PIL within a week

The SC orders the Army Headquarters for a second time to send the documents from a two-year-old writ petition filed by the Nepal Independent Ex-servicemen Association's Ambar Bahadur Thapa

The SC directs the government to send any person, accused of a public offence to jail rather than to custody on remand

25 July

Advocate Bal Krishna Neupane files a writ in the SC demanding a second swearing in of vice-president Paramananda Jha after Jha took the oath of office in Hindi language which writ claimed was against the Constitution

3 August

The government replies to the SC saying that there cannot be a judicial probe as the issue of holding office and taking the oath is a political issue

4 August

The Patan Appellate Court judge, Krishna Prasad Basyal, resigns expressing dissatisfaction over the procedure for the selection of judges

5 August

The joint bench of the SC justices Balram KC and Kalyan Shrestha, rules that difference in wages based on gender is illegal.

The SC decides that the legal provision of allowing a woman to decide to abort a pregnancy of up to 12 weeks does not violate the right to equality.

8 August

The SC rules that the Kumari should enjoy all the rights of the child

10 August

The SC issues show cause notice to the government on a writ petition demanding laws on the protection of witnesses

16 August

The Hetaunda Appellate Court upholds a Chitwan District Court decision which remanded Govinda Bahadur Batale of the Maoist 3rd Division Shaktikhor to custody on charges of killing Ramhari Shrestha

17 August

A directive order asks the government to provide relief to victims of Maoist actions and to form a committee within six months comprising members representing political activists and victims from each development region

18 August

The SC issues a directive order to the government to set up a committee

on reforming the tradition of Kumari. The order asks that the committee have the joint-secretary of the Ministry of Culture, Tourism and Civil Aviation as the coordinator and asks that the order be executed within a year

27 August

The SC directs the Ministry of Sports and Education to begin the process to provide scholarships to women and minorities to study medical sciences

The SC releases Deepak Manange saying arrested six years ago the name on the charge sheet is different from his own

28 August

The Kathmandu District Court directs the police to arrest Deepak Manange who was released by order of the SC

29 August

The Nepal Bar Association forms a committee with senior advocate Srihari Aryal as coordinator to review court decisions and orders under a campaign to clear corruption in judiciary

1 September

The Nepal Bar Association draws PM Pushpa Kamal Dahal's attention towards increasing corruption in the judiciary during the transitional period

5 September

CJ Kedar Prasad Giri opines that the mandate of the Administrative Court should be expanded to lessen the cases burden in the SC

8 September

The single bench of Min Bahadur Rayamajhi refers the resolution of issues regarding constitutional provisions on judges to a full bench

11 September

The SC issues a directive order to the government to reform the chapter on marriage of the National Code

17 September

The NBA and the bench clash

over NBA President Biswakant Mainali's allegation that 'the position of judge was like a license for corruption'. All judges in the Kathmandu valley except for the SC boycott hearings for half the day

18 September

Judges of the Appellate and District Courts boycott hearings till 12 am

19 September

The finance minister, Dr Baburam Bhattarai, in his presentation of the budget, informs that funds had already been allocated to establish SC benches in Biratnagar and in Nepalgunj

21, 22, 23 September

Lawyers in all courts of the country boycott work to exert pressure on the SC to withdraw its bar on the NBA president claiming that the SC breached its mandate. The lawyers said the SC made one-sided and impulsive decision without giving the party a chance to clarify

23 September

The SC retracts the decision against the NBA president following an agreement with the NBA

25 September

The SC directs the government to provide food to 12 shortage hit districts of the mid and far western regions

29 September

The SC issues show cause notice to the Army Special Court on firing a woman for being involved in lesbian activities with a colleague

21 October

The Judicial Council asks the judges not to boycott court proceedings

27 October

Judiciary independence is compromised as the council of ministers decides to withdraw 349 cases of serious crimes under consideration in the courts

2 November

The government is asked to show cause on the decision to impose a 5% education service tax on private schools' fees which was mentioned in the budget presentation

18 November

The SC directs the government and the parliament to use gender neutral addresses in the new constitution

28 November

The joint bench of the SC directs government to draft a new law on managing cabin bars and restaurants and issues a 16-point directive until the law is enacted

11 December

The SC rejects advocate Madhav Basnet's writ petition which demanded the appointment of judges in different levels of court

17 December

Joint bench of the SC Judges Min Bahadur Rayamajhi and Balram KC directs the government to monitor periodically the status of women working on foreign soil

19 December

A six-member case management study committee was formed with the SC justice Min Bahadur Rayamajhi as the coordinator by SC's Planning and implementation on high committee to ensure a fast delivery of justice at all levels of the court

22 December

CJ Kedar Prasad Giri says that work in the courts is affected due to unfilled vacancies

30 December

Three people, including Madhav Kumar Basnet, file a writ petition demanding the SC to veto the government decision to withdraw cases in violation of universal human rights



1. Background

The judiciary, in the year 2008, showed leadership in protecting human rights by taking bold decisions on public interest cases. However, due to delay in decision making, lack of adequate managerial skill and expensive judiciary system, the judiciary could not keep itself above the sphere of criticism.

There were extensive discussions about the need of an independent judiciary to ensure protection of human rights, controlling government's unrestrained activities and upholding rule of law but the judiciary was not successful enough to protect its own independence and create public faith in judiciary. This year as well there were activities affecting the judicial independence.

2. The Concept of Judicial Independence

Judicial independence refers to ensuring of such an environment whereby the judges are free from any sort of pressure or threat to use their judicial rights and can reach to their decisions or interpret the constitution and laws on the basis of reasoning and judicial knowledge. Judicial independence is the foundation of the judicial authority which guarantees judicial impartiality and also establishes the identity of a democratic society. The Milan Declaration¹ has guaranteed judicial independence as:

- The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
- The judiciary shall decide matters before them impartially, on the basis

of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.

- The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.
- There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.
- Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.
- The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.
- It is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions.

The assessment of the works of the judiciary in Nepal in the year 2008 is done

1. UN. Basic Principles on the Independence of the Judiciary. UN Doc. A/CONF. 121/122/Rev.1 at 59 (1985).

as per the basis of the abovementioned principles. The provision of judicial review of legislative functions in Nepal has controlled the random legislation process. Similarly, the provision of judicial review of executive has helped the executive to maintain good governance by making corrective measures on its unrestraint attitude. The judicial independence can be guaranteed only if the executive and the legislative bodies take forward with determination the concept of judicial independence. Independent judiciary can be guaranteed only when it is enshrined with autonomy and freedom to decide over its working procedures. Appeal of judicial decisions must be done by judicial bodies. Similarly, the judiciary must be provided with sufficient financial and physical resources to effectively implement the judicial decisions. Independence of judiciary will remain being at threat until and unless independence is institutionalized through a system.

Taking due consideration of the problems seen in the past, and taking into consideration the possibility of intervention of the legislature in the judiciary and to ensure independent and capable judiciary, there is a need to remove the provision of parliamentary hearing of the judges in the constitution to be drafted through the Constituent Assembly. The judiciary should be enshrined with all the powers necessary to draft rules to ensure judicial independence but to increase the people's faith in the judiciary and to keep the conduct of the justices within the judicial norms and to ensure the judicial transparency the Judicial Council should be made resourceful and powerful entity and there is a need of technocrats to ensure accountability of the activities by the Judicial Council.

2. Sudhar ko Sahamati. *Samaya* 2 Oct. 2008: 25

2.1 Interference by the Executive

There are also instances of interferences by the Executive in the Judiciary. As a good practice, the Executive is expected to upkeep the independence of the judiciary and not to interfere the judiciary, which should always remain independent.

Cases have come into light where the government, political parties and different groups interfering the judiciary in 2008. Instantly after he took the office under the government formed by the CPN-Maoist, Minister for Law, Justice and Constituent Assembly Dev Gurung repeatedly spoke² about re-appointment of justices in the Supreme Court. A Supreme Court justice said it was not suitable to re-appoint justices in the Supreme Court as it would affect the delivery of justice in context of independent judiciary. The present constitution does not have a provision of re-appointment of justices in the Supreme Court and this makes it evident that the party leading the government made public such statements just to have an impact in the judiciary.

The declaration by Minister for Law, Justice and Constituent Assembly Dev Gurung to decide all the pending cases within two years created an obvious suspicion that the decisions of the cases in the court might be done through the pressure of the government. Such statements might affect the independence of judiciary. The statement by Maoist leader Dev Gurung regarding re-appointment of all Supreme Court justices has been taken as a ploy to enforce authority upon the judiciary.

Finance Minister Dr Baburam Bhattarai had taken a controversial

decision in the annual budget speech³ to set up Supreme Court benches in Biratnagar and Nepalgunj and had announced allocation of budget for such. This declaration to set up Supreme Court benches in two places out of Kathmandu is an interference of independence of judiciary. This decision to set up Supreme Court benches in other places in a time when the country is in a transitional phase and is going to write a new constitution was not appropriate and it is a step against the concept of independence of judiciary. It has been said that the government has planned to set up Supreme Court benches in other parts of the country as a part of the government's policy to improve the judiciary and ensure quick delivery of justice.⁴ A bench can be set up as per the provisions in the Constitution or through any Act. In subject matters like this when the judiciary itself is in the dark about the issue, it is assumed that this is an intervention in the independent judiciary. It may be appreciable to mention in the budget speech about independence of judiciary by saying 'Improvements in the judiciary will be accentuated giving emphasis on the policy of respecting free judiciary, rule of law and human rights, and to make justice accessible to all; quick, prompt, and easily available to all,' but trying to encroach the jurisdiction of judiciary about taking decisions on the number of benches is wrong.

The decision by a meeting of the Council of Ministers on 27 October to withdraw 349 sub-judice cases of serious nature was another serious blow to independence of judiciary. The

government tried to put at risk the impartial nature of the judiciary by withdrawing cases of serious nature and crimes against humanity including murder, rape and others by claiming them to be of cases of political nature. The government fuelled impunity and also abused its authority by making mockery of the rule of law and showed its intention to keep the judiciary under the executive. The Article 117 of the Interim Constitution has a provision where the Supreme Court should present its annual report to the Prime Minister, who would then present it to the legislature parliament but the Supreme Court denied to submit its report to the Prime Minister by raising the issue that this provision would raise a serious question over the independence of judiciary. The Supreme Court, with its suggestions to keep intact the judicial independence and competence, submitted its report to the Office of the Prime Minister and the Council of Ministers. In this context, it was claimed that submitting the report directly to the Prime Minister like by other bodies would be against the norms and values of the independent judiciary.

It has been identified that this provision in the constitution is against the principle of separation of power and the global norms that the judiciary should be independent, competent and effective. The Judiciary has not been able to remain free from the political instability, confusion and transitional phase. Judiciary is not an organ under a body of the state but this is an organ which is sensitive to the justice in an independent state. The state has to be compliant to the principles of separation

3. Budget Speech of Fiscal Year 2008-09 250. Improvements in the judiciary will be accentuated giving emphasis on the policy of respecting free judiciary, rule of law and human rights, and to make justice accessible to all; quick, prompt, and easily available to all. I have allocated necessary budget to establish Supreme Court benches in Biratnagar and Nepalgunj after reforming existing laws, and arranging necessary infrastructures

4. "Nyapalika ma hastachhep na garna agrahe". *Nepal Samacharpatra* 12 Oct. 2008:1

of power and other principles adopted thereafter and to the UN Charter and the Milan Declaration which have provided for the principles of independent judiciary. The political parties had expressed their commitment about the independence of judiciary in their manifestos released during the election to the constituent assembly, therefore, it can be said that the new constitution will not infringe upon the independence of judiciary.

2.2 Legislature and the Judiciary

As per the provisions of the Interim Constitution Article 155, in the past two years, a Chief Justice and six justices⁵ have already been appointed through the medium of parliamentary hearing. The appointment of Chief Justice Kedar Prasad Giri faced criticism⁶. It has been said that the system of parliamentary hearing was introduced in the present constitution because the Judicial Council could not function properly in the cases of appointment, transfer, promotion of the justices, which is already provided in the constitution. The Article 155 of

the Interim Constitution reads: There shall be a parliamentary hearing prior to the appointment of officials to the Constitutional Bodies under this Constitution, in accordance with the provisions of law.

The judicial hearing by the Supreme Court in the matters of political affairs can be assumed to have been politically influenced after the provision of parliamentary hearing was introduced in the constitution. The prevalence of parliamentary supremacy over the verdicts of the courts can be clearly seen in *Netralal Shrestha vs Parliamentary Secretariat*⁷, *Chandra Kanta Gynawali vs Prime Minister and Council of Ministers*⁸, *Subodh Man Napit vs Prime Minister*⁹, *Bijendra Lal Joshi vs Nepal Government*¹⁰. In the abovementioned cases, the constitutional provision, which has empowered the Supreme Court with the final authority to interpret the Constitution, has been made dysfunctional and this raised a question over the capacity of the Supreme Court to interpret the constitution.

When there was a heated debate

5. Damodar Prasad Sharma, Rajkumar Prasad Sah, Kalyan Shrestha, Gauri Dhakal, Tahir Ali Ansari and Rajendra Prasad Koirala
6. INSEC. Human Rights and Judiciary. Human Rights Year Book 2007. Kathmandu. Informal Sector Service Centre. 2008: 56
7. In Article 138 of the Interim Constitution there is a provision of formation of a State Restructuring Commission and the commission was not formed and a case seeking the Supreme Court's mandamus order was filed in the Supreme Court but the case was scrapped even without issuing a show cause notice to the defendants including the Prime Minister.
8. In 24 April 2006 when the dissolved House of Representatives was reinstated through the King's announcement, Netra Lal Shrestha was also reinstated as the Member of the Parliament and his name was also included in the Interim Legislature-Parliament and the Interim Constitution but the party without giving him any chance for hearing, had discharged him from the post and a case was filed in the court seeking the Supreme Court's certiorari order but the Supreme Court registrar rejected the case in which the Prime Minister and the Speaker were made the defendants
9. A case was filed in the Supreme Court demanding unconstitutional the Bill to amend Article 155 of the Interim Constitution, which provided for the provision of parliamentary hearing for appointment of justices, claiming that it violated the provision in the Article 100 of the Constitution which has guaranteed independent judiciary and the preamble of the constitution and the court issued a show cause after a long time. The case had made the seven political parties and the government as the defendants.
10. The Supreme Court scrapped a petition, without even issuing a show cause notice, seeking a directive order to the government to take concrete action to prevent border encroachment by Indian side at Susta and Maheshpur region. The defendants of the case was the seven-party government and the Prime Minister

Some commitments expressed by political parties about Judiciary in their manifestos

CPN (Maoist)

- There will be three-tier courts, with Supreme Court at the centre, High Courts in the states and district courts in the districts. Under the district courts there will be people's courts and mediation centres
- The Supreme Court will be developed as a specialized court to look into the matters of serious legal questions, constitutional issues, disputes related with states, distribution and allocation of national resources and other serious legal matters
- High Courts will be made active with extra-ordinary jurisdiction
- There will be great transformation with equal access to justice

Nepali Congress

The Judiciary will be enshrined with important responsibility to ensure democratic norms and values and uphold the constitutional supremacy and rule of law. The centre will have a Supreme Court and provinces will have necessary appellate and other courts as per the spirit of federal structure.

- The judiciary will not only be independent and accountable but also capable and non-partisan. The judiciary will ensure liberal interpretation of the existing laws
- Appointment of justices will be done through parliamentary hearing. Proposal for appointment of justices will be done from people, capable persons who have proven their expertise and contribution in the field of judiciary
- There would be a provision in the constitution to empower the legislature to prepare a law to initiate impeachment of justices
- A system would be developed to

ensure settlement of cases on time to ensure impartial settlement of cases to guarantee justice to the people

CPN (UML)

Independent judiciary will be developed as a constitutional body. The Supreme Court will have the authority to examine constitutionality. There will be central, provincial and local level courts after the restructuring of the state. Judiciary will be made people oriented and accountable. Justices will be appointed by an independent constitutional body and there will be a provision of parliamentary hearing for appointment of justices.

Madhesi Janadhikar Forum

The judicial power will be vested on the Supreme Court. There will be a guarantee of supremacy of the constitution and rule of law in the country and the constitution prepared by the people vested with the sovereignty will be made inviolable. There will be a three-tier courts with Supreme Court, provincial courts and district courts.

Tarai Madhes Democratic Party

Independent judiciary will remain as an independent constitutional body. Supreme Court will be made the final interpreter of the Constitution. The country will have three-tier courts after restructuring of the state. There will be provincial courts in every province and district courts in every district. In addition to this the concept of community justice and easy accessible courts should be developed and modern system of citizen's courts, criminal courts, tax courts and consumer courts should be established.

over whether the Constituent Assembly can convene without having the 26 members nominated by the government, the public statements made by the Chief Justice and other justices and these statements being in the line with the stance taken by the largest party in the constituent assembly was considered by the public as against the norms of the judiciary and raised question about whether the judiciary is also being power worshipping body¹¹. The statements with political colors issued in the cases related with constitutional matters would certainly affect the independence and impartiality of the judiciary.

The introduction of the provision in the constitution providing parliamentary hearing for appointment of justices led to a situation where the legislature and the executive could politically interfere in the judiciary. The provision of parliamentary hearing will increase the possibility of the courts unwilling or discouraged to solve the cases related with political subject matters. This will eventually make the judiciary weak.

Judicial activism was necessary in cases like these but due to the chances of not being Chief Justice, permanent justice or temporary justices, the judges are likely to lose judicial activism. Courts should not interpret constitution by remaining under the influence of the political forces.

The provision of judicial hearing as provided in the interim constitution seems to have failed during its trial phase¹².

If this system of having appointments in presence of executive, judiciary and legislature is continued in the new constitution made through the constituent assembly, then the judiciary will be a

body under the executive working under its influence. The head of the legislature is a member of the Judicial Council which appoints the Chief Justice and a committee of the legislature members with its head being the head of the legislature evaluates the appointment, this system itself is faulty and irrelevant.

There are complains about the court decisions being influenced during the hearings in the courts by legal practitioners who are members of the legislature parliament, specially when there is a demand of interim order and the pleading persons are members of the legislature parliament. There might be an influence in the case which is pleaded by legal practitioners who are the members of the legislature parliament which is empowered with conducting parliamentary hearing of justices and also empowered with taking part in the impeachment processes against the justices¹³. The decisions thus taken may not be just. Moreover, the tendency to delay and not issuing show cause in cases related with political matters may raise questions in the intention of the courts. To make the future judiciary free from the influences of the executive and the legislature, the provision of parliamentary hearing should be removed because such a system is even disregarding the principle of separation of powers.

3. Relation between Bar and Bench

The dispute between the Supreme Court and the Nepal Bar Association reached at its height due to the remarks made by the Chairperson of the Nepal Bar Association. Nepal Bar Association Chairman Bishwo Kanta Mainali had said

11. Bhattarai, Tikaram. "Kamjor Hudai Gayako Hamro Nyapalika". Nyadut. Vol 1 No 69 15 March-13 May 2008. p 124

12. Ibid, pp 125

13. Report by the Supreme Court Bar Association on Study to improve the people's trust in judiciary 2064. Kathmandu, Supreme Court Bar Association 2064. pp 204

'Judgeship will be a license to corruption if judges tainted with corruption charges are not booked under criminal offences and are given immunity' and this sparked dispute between the Bar and the Bench. There was trade of words between the Bar and the Bench when the legal practitioners started raising voices about corruption in the judiciary. In June, the Supreme Court justices said that they would discuss with the officials of the Nepal Bar Association about the comments made by the latter regarding the judiciary.

Judges in the district courts and the Appellate Courts in the Kathmandu valley staged protest against the statement by Nepal Bar Association Chairman Bishwo Kanta Mainali by staying away from the benches for two hours. This was the first decision of its kind by judges to stay away from benches. The Supreme Court organized a press conference and expressed sorrow over the remarks made by the Chief of the organization of legal practitioners who are the backbone of judiciary. The statement issued by the justices read 'as a symbol of protest we have decided to stay away from benches from 10.00 am to 12.00 am on Thursday.¹⁴ A meeting of judges of courts in Kathmandu passed a resolution that the continuous comments on judiciary is a planned action to make judiciary weak and disturbed.¹⁵

In this connection, the Judicial Council directed the justices not to stay out of the benches. The Judicial Commission was of the opinion that staying out of benches was against the code of conduct as it would affect dispensation of justice

and it is against the morality of the position for high level officials of the state to stop judicial functions to protest against the statement by the chief of the Nepal Bar Association. There was a public opinion that if the statement by the Bar chief was controversial and condemnable then solution should be sought through legal means.

A full bench meeting of the justices of the Supreme Court held under the chairmanship of Chief Justice Kedar Prasad Giri decided to ban Nepal Bar Association Chairman from pleading in any court of the country in the position of senior advocate for the duration of six months. The meeting had concluded that the statement, given by a person who is the top leader of the legal practitioners who are considered to be responsible and important member of the judiciary and who is expected to contribute to implementation of constitutional processes though professional capacity, which would help people create frustration, hatred disrespect against the judiciary and people in the judiciary, is not acceptable in any context.¹⁶ The full bench meeting also condemned the decision by the Bar to review the controversial decisions by the judiciary¹⁷ and asked all not to intervene in the judicial processes or decisions. The decision reads: There should not be even attempt by any unconstitutional power centre to add up the level of appeal in the name of reviewing decisions, which are taken as per the constitution and established laws and to intervene the judicial processes and decisions.¹⁸ The

14. "Nyadhishle aja dui ghanta ijalah na herne." *Annapurna Post* 18 Sept. 2008: 3

15. "Nyadhishle ijalah bahiskar garne." *Nepal Samacharpatra* 18 Sept. 2008: 1

16. "Bar adachhya Mainali lai pratibandha" *Nepal Samacharpatra* 19 Sept. 2008:1

17. Nepal Bar Council Central Executive Committee meeting held this year in Dhankuta had decided to review the controversial decisions taken by all levels of courts and a committee had been formed in the coordination of Senior Advocate Shree Hari Aryal.

18. "Bar-Bench dwanda: Bar adachhya lai chha mahina bahas nished." *Kantipur* 19 Sept. 2008:1

meeting also decided to write to the Nepal Bar Association to explain about the structure, cause and basis for formation, if any, of such body.

Only the Bar Council has the right to ban any Senior Advocate or advocate and other legal practitioners¹⁹. The full court of the Supreme Court can take decisions only on administrative matters and cannot ban the post of Senior Advocate obtained as per the law. In reply, the Nepal Bar Association wrote to the Supreme Court that it had violated its jurisdiction and even gone against the natural law by taking unilateral decision without even enquiring with the Bar chairman and demanded unconditional lifting of the ban against the Bar chairman. At the call of the Bar, all advocates across the country did not plead in any courts for three days beginning Asoj 5. Even justices were of the view that the full court decision was taken in haste and that the court itself should take initiatives to solve the problem. Then the Supreme Court withdrew its ban. The registrar of the Supreme Court and the General Secretary of the Nepal Bar Association exchanged agreement papers. The Bar and the Bench agreed to hold meetings of high-level problem solving committee of the court and monitoring committee of the Nepal Bar Association every two months and the Bar and the Bench also agreed to improve their relations at all levels of courts. The agreement has also underscored the need to improve the Judicial Council Act 2047 so as to pave way to initiate actions against judges who are relieved of their duties on corruption charges. The agreement has also mentioned that the study committee formed by the Nepal Bar Association would look into the decisions of the courts

with academic and theoretical point of views rather than testing the decisions or hearing any complaint against judge. In contrary to the expectation of the Supreme Court, the Bar denied to dissolve the study committee.

The Bar and the Bench agreed to form separate committees with a view to reforming the judiciary sector and holding meeting of such committees in every two months. For this the Supreme Court agreed to form a high-level problem solving committee headed by the Supreme Court justice while the Nepal Bar Association agreed to form a monitoring committee. In the agreement between the Bar and the Bench, it has been mentioned that courts should be pure, competent and accountable. They also agreed to make necessary improvements in the Nepal Bar Council Act and ensure strict implementation of code of conduct.

The issue of people's faith in the judiciary is not only related with the Bar and the Bench but it is a national issue. To establish a judicial culture, the relation between the Bar and the Bench should be coordinated. It is necessary for the Bar and the Bench to take courageous and far-sighted strategies and move forward to uplift the people's faith towards judiciary. Bar is an inseparable part of the judiciary and to ensure justice to people specially at a time when the nation is under a transitional phase, there should be a positive debate between the Bar and the Bench and this would make the judiciary stronger ideologically.

4. People's Faith towards Judiciary

Judiciary will lose its dignity due to judicial incompleteness and faults in

19. The Nepal Bar Council can form a disciplinary committee to investigate and initiate action against any legal practitioner if it gets any complaint or information about any legal practitioner performing any act against this act and the regulation framed under this act or code of conduct, such a committee may summon, test evidences and act and enjoy authority at par with a court

judicial sector. The year 2008 was marred by complaints that the judiciary remained in the same condition despite the major changes in the state. People's faith in the judiciary could not improve because of the working style, character and system in the judiciary has not changed. The problems faced by the parties of the cases could not be solved despite repeated commitments expressed by the high-level officials of the judiciary regarding quick and effective dispensation of justice.

The judiciary itself has disregarded the efforts, studies and their recommendations regarding improvement of the judiciary. Satya Maya Manandhar of Rautahat got justice when she reached 91 years, 33 years after filing the case. The case in which Satya Maya was both the founder and patron of the Laxmi Narayan Temple in Gaur was filed in 2032 and was settled only on 7 July by a bench of Chief Justice Kedar Prasad Giri and Ram Kumar Prasad Sah.

Chief Justice Kedar Prasad Giri maintained that there is a delay in settlement of cases in courts because of lack of justices and this has adversely affected dispensation of justice.²⁰ The number of cases in the courts is on the rise and the number of justices is decreasing every year leading to piling up of cases. By the end of 2008 there were nearly a dozen justice posts vacant in the Supreme Court. A judge is responsible to manage the pressure of cases in the courts and a lot of improvements can be done if cases are not unnecessarily extended, benches begin on time, pleading is managed, irrelevant

orders are not issued and discipline is maintained in the working place.

People will lose faith if the Supreme Court will disobey its own orders. The Supreme Court has been violating the orders that cases should be settled without delay. A bench of Justice Kalyan Shrestha on 22 September after preliminary hearing of a case ruled that the nature of the writ necessitated that the case be settled early by giving it preferential priority as per the Supreme Court regulations²¹. The same regulation has provided that cases with preferential priority should not be deferred unless in an unavoidable circumstance but records show that a case was deferred for 11²² times.

While on the one hand the Supreme Court delays settlement of cases, on the other hand it takes a long time for the parties of the cases to receive the court verdicts. In a case against Arjun Lama of Chattrabajh, in which the Supreme Court had ordered legal action on 10 March, the court order had reached the Kavre district police office on 17 July. It took eight months²³ for the case to be settled even when the case was given preferential priority.

It took seven months for settlement of the case related to corruption by Governor of the Nepal Rastra Bank Bijaya Kumar Bhattarai. The hearing was deferred time and again and the court had ruled that Bhattarai had failed to make payments as per the action plan and not taken permission from the Director of the World Bank Nepal Office. It was not unobvious that questions were raised

20. "Nyadhish ko abhav ma nyaya sampadan ma dhila bhayeko Pradhan Nyayadhish ko swikarokti." *Gorkhapatra* 17 Sept. 2008

21. The Supreme Court had deferred the hearing to make out the order in connection with a case related with suspension of the then general manager of the Agriculture Development Bank. A bench of justices Anup Raj Sharma and Gauri Dhakal on 17 March and Damodar Sharma and Rajendra Prasad Koirala on the third week of June had fixed hearing but could not hold it

22. "Sarbochha adalatma dhila susti, afno adesh afai ullanghan." *Kantipur*. 18 Sept. 2008: 3

23. "Char mahina pachhi sarbochha ko adeshpatra." *Kantipur* 18 Jul. 2008: 8

on the independence, transparency and impartiality of the justices in relation to this case. The case, which was under public attention throughout year, tarnished the image of the judiciary.

Justices play an important role to upkeep the status of the courts and the officials at the courts should be more disciplined and sensitive as compared to other offices due to the complexity and sensitivity of the matters. This will also affect the implementation of the court orders. In cases of writs, generally orders are issued to the government authorities and local bodies but they are found to be inactive in connecting with following these orders. In some matters of public interests people are closely watching the happenings and when the government and other authorities do not follow the court orders this will adversely affect the people's trust in the judiciary.

There are examples in which the Supreme Court has settled cases of public interest within a week of its filing. This year when there were complaints regarding delay in dispensation of justice, the Supreme Court issued a verdict in a case related to detention on 14 July. The case was filed on 13 July. If the courts continue this prompt dispensation of justice then the victims will feel relieved and will feel increased access to justice.

The present transitional phase is also a time for test of the judiciary as it has special responsibilities to carry on. This is the time of opportunity and challenge for the the judiciary to work actively for protection of the public welfare, ensuring rule of law and also increasing people's trust on the judiciary. A report by the Supreme Court Bar Association has pointed out the need for massive reform within the judiciary. The report has given several

suggestions to the legal practitioners, justices and officials for reforms in the judiciary. The report has also concluded that the judiciary is being marred by faults and half of the problems will be solved if the Chief Justice expresses his serious commitment. Groupism and protectionism in the judiciary is encouraging corruption, nepotism and other similar bad elements²⁴, the report has said.

People have not been able to get quick and effective justice. The Supreme Court is loaded by cases of simple when it should have been dealing more with cases of constitutional and legal questions. According the recent report of the Supreme Court, it is flooded with the cases related to land dispute.²⁵ Therefore it is necessary to have a proper legal system in place to ensure effective and accountable judicial system. The Supreme Court Bar Association, in its report prepared by the committee to study on ways to improve people's trust in judiciary, has concluded that there is corruption in judiciary and legal practitioners are also responsible for that. The report has suggested formation of a mechanism to take actions against legal practitioners who play role to promote corruption in the judiciary. The report has also said that most of the legal practitioners do not follow the code of conduct and strict adherence to the code of conduct must be ensured. The study report prepared by the Supreme Court Bar Association has not been found to be implemented in the past.

The Supreme Court has even put in place a five year strategic plan to work to improve the Bar and the Bench to make judiciary efficient, effective and people oriented. The Supreme Court has also published a code of conduct containing eight titles for the justices to ensure

24. Ibid, Comment no 13 pp 198-225

25. Supreme Court, Supreme Court Annual Report 2064. Kathmandu. Supreme Court 2064

independent and impartial judiciary and to increase people's trust.

The code of conduct prepared in 2055 was considered not to be consistent with the international standards and this new code of conduct for justices was put in place. But implementation and monitoring of adherence to this code of conduct is not found to be effective.²⁶

5. Use of International Laws by the Supreme Court

The role played by the courts in Nepal, especially the Supreme Court, in implementing the six conventions covering the issues of fundamental human rights at the national level is praiseworthy. It seems that the Supreme Court is trying to deal the human rights cases as cases of public interest. The Supreme Court in its verdict has mentioned that some cases of violence against women have been affecting the whole nation and the society. The Supreme Court has maintained that self-esteem, right to self decision and free existence are special rights of the human beings. The Supreme Court has adopted international conventions on human rights as documents of modern times.

The Supreme Court seems to be conscious to implement the rights guaranteed by the international instruments of human rights. The Judicial activism shown by the judiciary in the cases related to human rights and the orders given to the government and the state in this connection are praiseworthy steps. The courts are seen to have shown special interest in the issues of personal freedom and security when dealing with

cases related with habeas corpus. The court is also active in the cases related with women's and children's rights. In this connection, the Supreme Court is found to be using among the six international human rights instruments and among them the International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Elimination of All Forms of Racial Discrimination and Declaration of the Rights of the Child are used more frequently.

The Clause 9(1)²⁷ of the Nepal Treaty Act 2049 which is related with the Interim Constitution Article 156 makes treaties above the national laws. The constitution has not talked about the Supreme Court being authorised for judicial revision in cases related with inconsistencies in the national and international laws. There is a provision of judicial revision of cases in which the laws are inconsistent with the constitution or are unlawfully forbidden.

After 1990 Nepal has become a signatory party of several international instruments on human rights and the main duty after ratification of the treaty is the effective implementation of such treaties and in this case the judiciary also plays an important role to ensure effective implementation of such treaties. In cases in which petitioners claim that the citizens rights are violated by not fully implementing the provisions of the international treaties of which Nepal is a signatory party, the Supreme Court interprets the provisions in such international treaties and settles the cases accordingly.

26. Judicial Code of Conduct of International Ready. *The Kathmandu Post* 14 Mar. 2008: 1

27. Provisions of Treaties to be Applicable Like Laws (1) In case of the provisions of a treaty to which the Kingdom of Nepal or HMG has become a party following its ratification accession, acceptance or approval by the Parliament conflict with the provisions of current laws, the latter shall be held invalid to the extent of such conflict for the purpose of that treaty, and the provisions of the treaty shall be applicable in that connection as Nepal laws.

According to a recent study report by the Human Rights Treaty Monitoring Coordination Committee²⁸ since 2047, the Supreme Court has issued its verdicts on some 70 cases on the basis of the six international human rights instruments adopted by the United Nations. These cases include those related with women's rights, children's rights, against torture, citizen's rights, press freedom, against practices of untouchability, food rights, right to information, rights to secrecy, right to property etc. In these cases there have been directive orders to the government to frame laws or amend them in line with these international instruments and to frame necessary programmes.

In the court decision taken in connection to cases related with international instruments, the court has been found to be issuing directive orders claiming that the international instruments to which Nepal is a party does not as such create rights for the citizens but create obligations for the signatory party state and that the state should work towards fulfilling the obligations created by the international instruments. The international instruments which have not been ratified by Nepal can be used as references and the court has been found to be suggesting that ratification of such instruments can be good for the state. In 2008 the trend of the judiciary towards the human rights was found to be positive but the passiveness exhibited by the government and the extremely mechanized pattern in connection with cases related to human rights have always created fear of having human rights issues at the backseat. In some cases courts

are found to have scrapped the cases without even entering the discussion of relevance of such cases on the ground that some particular organisation are not made defendants and in some other cases there are attempts to escape from the issue by claiming lack of evidences. As a result, many petitions are found to have been scrapped on mechanical grounds, the report of the Human Rights Treaties Monitoring Coordination Committee has said. Inconsistencies in the court verdicts are another problem facing the courts as their decisions are found to be contradicting with one another.

6. Some Remarkable Decisions Taken by the Supreme Court in Relation to Some Cases

Some remarkable decisions taken by the Supreme Court related with human rights in relation to some cases:

6.1 Relating to impunity

Order to make law to criminalize excessive use of power by the security personnel

A joint bench of the Supreme Court on 12 May 2065 issued directive orders the Nepal Government to prepare law relating to providing compensation. The relatives of the 17 people killed during a search operation by the then Royal Nepalese Army in Kotwada of Kalikot had moved the court seeking compensation for the death of their relatives²⁹.

The Court had directed the government to prepare a law to criminalize excessive use of force by security forces and also compensate the victims of such incidents. The verdict has also ordered

28. Human Rights Treaties Monitoring Coordination Committee. The condition of implementation of international human rights treaties to which Nepal is a signatory party, Unpublished report 2065, Kathmandu, Human Rights Treaties Monitoring Coordination Committee pp 3-8

29. A group of labourers working for construction of an airport, including those from the Praja community from Jogimara of Dhading district were killed by the Nepal Army soldiers blaming them to be Maoists. Their relatives had moved the court claiming that all those killed were innocent and had demanded compensation. In 2001 a Nepal Army team deployed in the area had killed the people who were working for construction of an airport by opening fire at them indiscriminately from a helicopter.

the government to investigate into the incident and take actions against the guilty security forces. In the case filed on behalf of the victim's families, the petitioner has demanded invocation of the Clause 61³⁰ of the Military Act 2016 and compensate the victims' as per the Compensation Act 2053. During the insurgency 35 people had died in the firing by the Nepali Army team.

6.2 Order to frame law on compensation

The Supreme Court issued order to the Council of Ministers and the Office of the Prime Minister, Home Ministry, Dang District Administration Office, Nepali Army, Shreenath Battalion of the Nepal Army and District Police Office Dang to take action against the security personnel responsible for the murder of Umesh Thapa. The verdict has said that there is a lack of law related with violation of human rights by excessive use of force by the security forces and therefore a law to this effect is necessary to end impunity. The verdict has also ordered the government to frame law which provides for compensation to the victims after taking due consultation from them.

6.3 Order to frame law on protection of witness

A single bench of the Supreme Court on 10 August, acting on a writ filed by the Forum for Women, Law and Development which had demanded law for protection of witness, issued a show cause notice to the government. Due to lack of security, there are chances that the witnesses may not reveal the truth in cases related with criminal offences and therefore make the victims further victimize so the petitioner had filed a writ seeking a law guaranteeing security of the witnesses. The Supreme Court gave a 15-day notice to the Home Ministry and the Police Headquarters to reply in this regard.

6.4 Show cause in relation to a provision in the Military Act

Advocates Madhav Kumar Basnet, Lokdhaj Thapa and Binod Phuyal filed a petition in the Supreme Court seeking nullification of the Clause 72³¹ of the Military Act as it violated Article 24 (3)³² of the Interim Constitution and the single bench of the court on 3 March, issued a show cause notice to the government

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30. Crime of illegal detention: Any of this action shall be considered crime act of illegal detention:
- If any person is detained and the case is not forwarded to competent authority for investigation and if delay is caused in settling of the case
 - If any person ordering military detention fails, within 24 hours under any circumstances, to inform any official authorized to issue orders for military detention or the Legal division with a justifiable cause for detention
31. Case can be initiated against: (1) A person, even after the person is free from the jurisdiction of this act, can be kept under military detention and case initiated against such person for crime committed while the person was within the jurisdiction of this act
- 2) Notwithstanding whatsoever mentioned in sub-clause (1) a case shall not be initiated against anyone after six months of having been free from the jurisdiction of the Act except for the crimes committed as mentioned in Clauses 39, 42 and 55
- 3) Any person under the jurisdiction of this act, who has been sentenced to jail by a court martial, and has been dismissed or relieved from the duty or made free from the jurisdiction of this act is still considered within the jurisdiction of this act until the duration of the punishment is finished and the punishment according to this act can be enacted accordingly
32. Every person who is arrested shall be produced before a judicial authority within a period of twenty-four hours after such arrest, excluding the time necessary for the journey from the place of arrest to such authority, and no such a person shall be detained in custody beyond the said period except on the order of such authority. Provided that nothing in clauses (2) and (3) shall apply to preventive detention or to a citizen of an enemy state.

asking why such an unconstitutional provision was existing in the Military Act.

6.5 Regarding nullification of the provision related with illegal detention

The No 6 of the Chapter on Illegal Detention in the Civil Code has made torture punishable crime and has provided for compensating the victim from the fines raised from the perpetrator of torture. A special bench of the Supreme Court on 27 March decided that the provision does not violate the rights guaranteed by Article 26 of the Interim Constitution and are not contradicting with the International Covenant on Civil and Political Rights, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of which Nepal is a signatory party. The case filed by advocate Achyut Prasad Kharel had demanded nullification of the provision in the Civil Code as it violated the rights against torture guaranteed by the Interim Constitution and the International Covenant on Civil and Political Rights, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

6.6 Order to put public offence defendants in prison while cases are pending

A joint bench of the Supreme Court issued a mandamus to all the district offices on 14 July to solve cases related with public offence activities within three months and also order the offices to keep the people in judicial custody in prison and not in police custody. Victims Krishna Lama, Sirjan Lama and 18 others had filed a case claiming that there are delay in decision of cases related with public offences and at many times offenders have to stay in judicial custody at police offices for duration more than the duration of imprisonment for the crime. The petitioners

had claimed that their cases were delayed and that they were kept in police detention rather than judicial custody in the prison.

6.7 Order to compensate conflict victims

A joint bench of the Supreme Court had on 17 August ordered the government to provide compensation to the victims of the armed conflict in response to a case filed by the Maoist victims who had moved the court seeking rehabilitation, compensation, relief and return of seized property. The court ordered the government to form a high-level committee to identify the real victims of the conflict and suggest for compensation. The court had ordered formation of such committees in all development regions with representation from political leaders and victims within the next six months.

The verdict has mentioned that it is not necessary to frame law to ensure enjoying of constitutionally guaranteed rights by the conflict affected people to rehabilitate them but it is a matter of executive administration. The verdict has also mentioned that the government has ignored the job of returning the displaced people to their homes.

6.8 Order to manage system of having sign language interpreters for people with hearing disability for their studies

On 16 April a joint bench of the Supreme Court issued a directive order to the government to manage sign language interpreters for students with hearing disability to assist in their studies beginning from the next academic session. The Pro Public had filed a petition at the Supreme Court seeking favorable learning environment for the primary level students with hearing disability claiming that the population of some 500,000 people with hearing disability have not got favorable learning environment. The

petitioner had claimed that lack of a clear law to guarantee the rights ensured by the constitution was the main hurdle in having the rights guaranteed. The Supreme Court had ordered the government to frame law to guarantee the constitutional rights including rights to education, health, employment and social security. The court had also ordered the government to report to it in every six months about the developments in this matter.

6.9 Order to improve law on polygamy

A joint bench of the Supreme Court on 11 September issued a directive order to improve the provisions related to Marriage in the Civil Code pertaining to conditions for polygamy. The Forum for Women, Law and Development had moved the Supreme Court claiming that No 9³³ (1), (2), (3), (4), (5) and (6) of the Chapter of Marriage in the Civil Code were against the spirit of gender equality.

6.10 Order to improve law on marital rape

On 10 July, a joint bench of the Supreme Court issued a directive order to the government to improve the provisions on punishment in the case of marital rape. The petitioner had demanded increase in the punishment for those found guilty of marital rape. In the case filed by Jit Kumari Pageni with the help of Forum for Women, Law and Development, the petitioner had demanded that the punishment for the guilty of marital rape be made at par with other forms of rape as provided in the Civil Code Chapter on Rape. The petitioner had said that the provision No 3 (6)³⁴ under the

Chapter Rape in the Civil Code violated the constitutional provision of right to equality and that it should be scrapped. The petitioner had claimed that the law should not provide for lesser punishment for a serious crime just on the basis of the convict being the petitioner's husband and had demanded that the punishment should be equal as in other cases.

6.11 Scrapping of the petition on discrimination against women in connection with foreign employment

A special bench of the Supreme Court on 10 July scrapped a writ petition filed by advocate Meera Dhungana seeking court order to the government to stop discriminating against women on the basis of gender in foreign employment. The bench mentioned that a law has already been in place and it ensures gender equality in terms of foreign employment.

6.12 Scrapping a writ related to dowry

A special bench of the Supreme Court on 10 July scrapped a petition against dowry custom filed by advocate Rama Panta claiming that the Social Conduct Reforms Act 2033 Clause 2 has provided that a dowry of up to Rs 10,000 can be given.

6.13 Order to frame law related with education and health

The Supreme Court on 16 April issued a directive order to the government to frame law to provide basic education and health facilities to the people as guaranteed by the Interim Constitution. A joint bench

33. Except in the given conditions a man cannot marry or keep another wife when the wife is alive or has not been divorced as per law. If the wife is suffering from incurable sexual disease, or goes mad, or cannot bear child due to wife's cause and this fact is proven by a medical board authorized by the government. or cannot walk, or is blinded in both eyes or the wife lives separately after taking her share of property as per No 10 of Partition

34. Notwithstanding whatever is mentioned in other clauses in this act, if a husband rapes his wife he will be jailed from three to six months

of the Supreme Court had issued the order to implement the constitutional liability by framing a law. Articles 16 and 17 of the Interim Constitution have guaranteed the rights of every community to receive basic education in mother tongue and get free basic health services. In this connection, general secretary of the All Nepal Women's Association (Revolutionary) Amrita Thapa and Treasurer Manu Humagain had filed a petition in the Supreme Court seeking its order to the government to frame law to implement the constitutional rights guaranteed by Articles 16³⁵, 17³⁶, and 18³⁷ of the Interim Constitution.

6.14 Show cause in relation to education

A single bench of the Supreme Court on 2 November issued a show cause notice to the government in relation to the government announcement through its annual budget to levy five percent service tax to the private schools. The PABSON, N-PABSON, Nepal Law Society and Parents' Association had filed a writ in relation to which the Supreme Court demanded explanation from the government about service tax. The petitioner had claimed that the government declaration was against the constitutional right to free education up to secondary level from the government.

6.15 Reservation quota for women and minority students to study medical science

The Supreme Court on 27 August ordered the Ministry of Education

and Sports to start process to provide scholarship for women and minority students. The Supreme Court had on 10 August asked the ministry to stop nomination process for scholarships for medical students as one non-Dalit student Om Prakash Patel was found to be in the scholarship list for Dalit students. The National Dalit Commission had clarified to the Ministry of Education and Sports that Patel was a non-Dalit student and therefore his name was removed from the list. Patel then moved the Supreme Court demanding that his right to education was violated.

6.16 Order to regulate medicinal drug sales

The Supreme Court on 6 February ordered the government to regularize the import, quality and prices of the medicinal drugs and ensure reforms in the health sector. Advocate Jyoti Baniya had filed the petition urging the court order to the government to publish the prices of the medicinal drugs in the Nepal Gazette. A joint bench of the court ruled that there was no regularity in import, quality and prices of the medicinal drugs and ordered the government to form a committee to draft medicinal drug price regulation policy under the coordination of a senior official at the Nepal Medical Council and members from the health ministry and Drugs Administration Department and submit report to the court within six months.

35. Right Regarding Environment and Health: (1) Every person shall have the right to live in clean environment. (2) Every citizen shall have the right to get basic health service free of cost from the State as provided for in the law.

36. Education and Cultural Right: (1) Each community shall have the right to get basic education in their mother tongue as provided for in the law. (2) Every citizen shall have the right to free education from the State up to secondary level as provided for in the law. (3) Each community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civility and heritage.

37. Right regarding Employment and Social Security: (1) Every citizen shall have the right to employment as provided for in the law. (2) Women, labourers, the aged, disabled as well as incapacitated and helpless citizens shall have the right to social security as provided for in the law. (3) Every citizen shall have the right to food sovereignty as provided for in the law.

The petitioner had demanded inclusion of the service of production, import and sale of medicinal drugs under essential service as it was directly linked with the human lives and their health.

6.17 Order on food rights

On 25 September, a joint bench of the Supreme Court ordered the government to transport essential food items to the 12 districts in the mid and far western region to tackle the problem of food crisis there to avail food to some 300,000 people facing food shortage in the regions. The order had also directed the government to be serious in humanitarian issues like the food crisis.

6.18 Order to free Tibetan protesters

On 8 July, a joint bench of the Supreme Court ordered the release of three Tibetans — Tashi Dolma, Nawang Sanmo and Kulsan Chung — for leading anti-China protests saying that there was no ground for keeping them on as detainees.

6.19 Rights related with third gender

The government and the parliament on 18 November ordered the government to avoid using words men and women in the new constitution and use only persons instead. The court maintained that the words men and women were discriminatory on gender basis and that it ordered the Office of the Prime Minister and the Prime Minister and the ministry for law, justice and constituent assembly to use only person instead. The verdict maintained that when addressing as person it would avoid any gender discrimination and would also address the third gender people. In the petition filed on behalf of the Blue Diamond Society, the court has ordered the government to take decision about whether to validate same sex marriage.

6.20 Order to protect the child rights of the Kumari

On 8 August, a joint bench of the Supreme Court, acting on a petition filed by advocate Purna Devi Maharjan claiming that the Kumari is deprived from right to education, freedom of movement, right to health and that they should be guaranteed, ruled that the Kumari should enjoy all their rights. The verdict has maintained that in no historical and religious documents and in conventions on child rights, to which Nepal is a party, have they disregarded the rights of the children and therefore the Kumari should not be deprived from their rights to education and health.

6.21 Order to arrange for security of children in jails

The court issued order to the government in connection with care to pregnant women in jails, care of new mothers in jail, care of children their nutrition and health. The court also reminded the government that it is its duty to make necessary arrangements for the abovementioned points. On 5 June the Supreme Court issued a directive order to the government to make necessary policy and programmes regarding caring the nurturing mothers and their children and pregnant women in the jails. The court also ordered the government to guarantee the right to education of the children living with their parents in the jail and also increase the daily food allowances for the prisoners and the salary of the public servants. The court also directed the government not to violate the rights of any prisoner and to fully comply with the Prison Act.

The Supreme Court verdict has also directed the government to follow the recommendations given by the National Human Rights Commission regarding the prisoners and the reforms in prisons. In

the case filed by the Pro-Public, the court has ordered formation of a three-member committee comprising representatives from the Home and Finance Ministries and the National Human Rights Commission and study the implementation of recommendations and reports from this year onwards.

6.22 Order relating to equal allowance

On 26 May, the Supreme Court ruled that daily food allowances to the personal security officers of the Ministers, State Minister and Justices of the Supreme Court and Chief Judges of the Appellate courts should be equal on the ground that Ministers, State Ministers, Supreme Court Justices and Chief Judges of the Appellate Courts belong to the same hierarchy in the state mechanism. Seman Kumar Basnet had filed a petition in the court demanding equal facilities to the personal security officers. The court had ruled that the personal security officers of the SC justices and the Chief judge in the Appellate Courts be given daily food allowances from the day they join the duty.

6.23 Scrapping of the petition seeking nullification of a provision in the Press and Publication Act

A special bench of the Supreme Court on 25 June decided to scrap a petition seeking nullification of Clause 14 (A)³⁸ of the Press and Publication Act 2048 saying that the Clause is automatically nullified in accordance with Article 164 (2) of the Interim Constitution 2063 for being inconsistent with the constitution and that Clause 17 (1) and (2) of the Act

are consistent with the Constitution and therefore there is no need to issue order as per the demand of the petitioner. Advocate Rishi Ram Ghimire had filed a petition in the Supreme Court demanding nullification of Clause 14³⁹ and 17⁴⁰ of the Press and Publication Act 2048.

6.24 Directive to manage the dance bars

On 28 November, the Supreme Court ordered the government to frame a separate law to regulate the dance bars and cabin restaurants. The Supreme Court issued a 17-point directive to the government including provisions whereby any such dance bars, massage parlours and cabin restaurants could be opened only after taking due permission from the District Administration Office. The verdict has clarified that such a directive was necessary to protect the women workers in such places. The directive has completely forbidden sexual exploitation of the labourers and at the same time has mentioned that anyone's right to occupation can not be violated and therefore the government should regulate and manage working places and it is its duty.

The Supreme Court has pointed at the necessity of law to protect some 50,000 labourers in about 1200 dance bars and cabin restaurants. Prakash Mani Sharma, on behalf of Pro-Public had filed the petition.

6.25 Order to stop sale of trust land and protect religion and culture

The Supreme Court banned from 24 January conversion of trust land into

38. a) Causing hatred or disrespect against His Majesty and royal family or encouraging disregard or animosity or hurting the prestige of His Majesty.

39. Ban on publication

40. No export, sale or distribution of banned or prohibited publications:

(1) No one should export banned or prohibited publications.

(2) No one should deliberately print, sale, or exhibit banned or prohibited publications.

private land and sale thereof, claiming that it was unconstitutional. The Supreme Court nullified several provisions in the Trust Act which violated the constitution and ruled that the ownership of the trust land should not be transferred and sold in any pretext. The Pro-Public in 2058 had filed a petition claiming that rampant misuse of trust land was causing loss of religion and culture and that the Supreme Court must interfere in this matter. A special bench of the Supreme Court had maintained that the provision whereby the trust land could be transferred to the private ones violated the constitutional right to religion and culture. The Supreme Court nullified the controversial provisions in the Trust Act 2033. The provision issued by the Land Revenue Department on 16 October 1988 that private trust land could be exchanged and sold was also declared nullified.

7. Other Courts

7.1 Special Court

The Special Courts should decide on any case within six months of its filing including in the cases on contempt of court and imposing fines on the authority concerned for failing to submitting documents or written statements or reply within the given time frame. The Supreme Courts generally have to decide on appeals against the verdicts of the Special Courts within three months after receiving documents from the lower court concerned with priority. There is a general practice in Nepal to initiate and decide on corruption related cases in the Special Court.

Governor of the Nepal Rastra Bank Bijayanath Bhattarai was handed over a verdict only seven months after the Commission for Investigation of Abuse

of Authority filed a case against him at the Special Court. The Special Court postponed the date for the decision by citing simple reasons and there was no reply on the part of the court regarding the unnecessary delay in the case and this resulted in boosting the complain that it is irrelevant to form Special Courts. At a time when cases of serious nature should have been prioritized, the regular duty of dispensation of justice was neglected.

In this context, the Supreme Court issued directives to the Special Court in its effort to prevent people from being impatient towards the activities of dispensation of justice. The Supreme Court pointed out that there were discrepancies in the standard for evaluation of property and had procedural differences. The directive has mentioned that there was no procedural uniformity while dealing about the illegally amassed property cases and that it also pointed out the standards used to identify the source of such money in different cases were not similar and this may result in losing of public faith, the Supreme Court had concluded⁴¹.

The trend of failing to establish crime was high in the fiscal year 2064/065. Altogether some 150 cases have been piled up waiting for hearings⁴². The cases piled up after the judges in the Special Courts were returned to the Appellate Courts and new judges did not take up duties on time. Although the Judicial Commission on 9 September decided to change judges in the Special Courts, this was not implemented towards the end of 2008⁴³.

7.2 Constituent Assembly Court

The government as per the provision in Article 3⁴⁴ of the Constituent Assembly

41. "Bisesh Dhyani Bisesh Adalatma." *Kantipur* 3 Jan. 2008.

42. "Bisesh Adalatma Sunuwai Thappa." *Nepal Samacharpatra* 13 Oct. 2008: 5

43. Ibid

44. Nepal Gazette, Published by Nepal Government Part 57, Kathmandu 10 Feb. 2008. (Additional Issue 55 (E))

Court Act 2064 constituted the Constituent Assembly Court to hear and settle petitions relating to the election to members of the Constituent Assembly on 10 February. The Court which remained under the Supreme Court had Supreme Court Justice Anup Raj Sharma as its chairman and justices Top Bahadur Magar and Ram Kumar Prasad Thakur as members. Article 63 of the Interim Constitution has provided for formation of a Constituent Assembly Court.

In the course of hearing and settling cases related with election of Constituent Assembly members, the court could look into disqualification of a member of the Constituent Assembly, invalidation of the election of a member of the Constituent Assembly and offences relating to members of the Constituent Assembly. There is a provision that the verdicts of the Constituent Assembly Court is final but due to lack of proper support from the government the court has not been able to work according to expectation and that there are delays in settling of disputes. Altogether 12 of the 17 cases filed in the court have already been settled, one case was scrapped by the registrar while another case was withdrawn by the petitioner. Three cases have not been settled until the end of the year. Clause 5 of the Constituent Assembly Court Act says that notwithstanding anything contained in the laws in force, no question may be raised in any court in respect of any matter falling under the jurisdiction of this Act and the Constituent Assembly Court has been made strong but there was differences between the government and the Court justices on the matters of allowances to the justices. When constituting the court, the government had made provision

for allowances but on 7 September the government decided not to provide any allowance. When the court ordered the government to revise its decision on stopping allowance at the judges had to do additional works, the government decided to provide 25 per cent of their salary as allowance but the Constituent Assembly Court judges did not take their allowances until the end of the year.⁴⁵

7.3 Juvenile Court

Juvenile Benches have been formed in 26 districts to facilitate hearing and settlement of cases related with children and crimes committed by them with government as the petitioner. Such benches are formed to ensure that hearings related to children are done in a homely environment without any threat and that cases are settled accordingly. These benches also aim to track the psychological aspects encouraging children to take up violent and illegal activities and direct them towards reforms.

The bench was formed two years ago and only one case was filed but this case has not been solved until end of 2008.⁴⁶ It has been taking long time to settle juvenile cases as there is no provision of a separate judge to lead the juvenile bench. Although there are provisions for such cases to be settled within four months, there are examples where cases are not settled for two years.

Nepal government had expressed its commitment to establish juvenile court while being a party to the International Child Rights Convention and implementing the Children Act 2048. After one and a half decade later, three juvenile benches were established in Kathmandu, Bhaktapur and Lalitpur district courts as pilot projects

45. Registrar: Constituent Assembly Court, 24 Dec. 2008.

46. "Bal ljalash dui barsha dekhi prayog bihin: Adalatma banaeko subidha sampanna kachhya ma tala." *Kantipur* 10 Nov. 2008: 3

under the Juvenile Justice Committee in the Supreme Court⁴⁷. Although the Juvenile Justice Committee passed a resolution to establish juvenile benches but the government was not clear about the resources and manpower required for this. It is necessary that the juvenile benches should not only be a unit of the Supreme Court but also be established as a friendly justice system.

8. Conclusion

The role of judiciary is important for protection of human rights and freedom and that is why independent judiciary is considered to be a condition for democracy. It is necessary to have a state system guided by the principle of separation of power to ensure independent judiciary. But because of some incidents of intervention of executive in the judiciary, there has been increasing worry over the future of judiciary. It is necessary for the judiciary to be free from corruption and by making necessary structural reforms, and institutional development the judiciary should always be keen to protect rule of law, human rights, fundamental rights, legal rights and ensure complete justice. If the judiciary deviates from the basic character of the judiciary to ensure complete justice, then the people's faith towards judiciary will certainly decrease.

There has to be procedural reforms in the judiciary by doing away with the traditional thoughts and ideologies. At the time when the country is preparing to draft a new constitution, it is a good time for the judiciary to be transformed into democratic and more people oriented structure. There should be a clear structural provision for removing all the evils and inconsistencies within the judiciary through a joint effort by the Bar and the Bench. Those supporting the idea of reappointment of

justices have been forwarding this logic as the basis for their claim. At a time when the role of legislature is being discussed in the process of reappointment of justices, it is more necessary for the judges to dispense justice more independently and wisely. The Article 162 (3) of the interim constitution says that necessary legal arrangements shall be made on the basis of democratic norms and values to bring about gradual reforms in the judicial sector to make it independent, clean, impartial and competent. It is very necessary to take concrete steps in this regard.

The judiciary has not been able to free itself from the clutches of political instability, confusion and stage of transformation but we can believe that in the new constitution there is less chance of judicial independence being violated because the political parties have through their manifestos during the election to the Constituent Assembly expressed their faith and commitment to independent judiciary. It is also necessary for the Legislature-Parliament to uphold and respect the status of the judiciary and create an environment to ensure judicial independence.

Nepali society is now standing at the threshold of transition and change and at this time there is a need for progressive reforms in the judiciary, impartial professional expertise in the people in the judiciary sector and enough coordination. Mismanagement and corruption in the judiciary are problems for both the Bar and the Bench and without the people of the judiciary sector must take lead in the move to make judiciary independent, impartial and with high prestige and status. Solution should be sought to tackle problems related with court procedures and conducts of the judges.



3.2 State & Human Rights

Executive & Human Rights

Chapter

3

Chronology (1 January- 31 December 2008)

1 January

The Nepal government forms a working group to provide within a month the recommendations on a code of conduct to be followed by the Nepali media while transmitting information and news

4 March

The council of ministers decides to provide Rs 1m to families of persons killed during the Tarai-Madhes Movement recognising them as martyrs

The 8-point agreement signed with Samyukta Loktantrik Madhesi Morcha (SLMM) and the 5-point agreement signed with Sanghiya Ganatantrik Morcha to be implemented

10 March

The government declares 24 persons killed in January/February 2008 and six killed in February/March as martyrs as per the agreement with the SLMM

22 August

The Common Minimum Programme, 2008 of the national coalition government signed by the top leaders of Maoists, UML and MJF is endorsed

31 August

The deadline of the investigation commission is extended by 11 days. The commission was formed to look into the incidents and deaths that occurred in different districts during the time of the CA election.

4 September

The government declares an emergency in the Kosi-affected VDCs of West Kusaha, Sripurjabdi, Haripur, Laukahi, Basantpur, Bhokraha, Dhuski, Madhuban, Narsingh, Ramnagar, Bhutaha and other VDCs adjoining them.

6 September

The government decides to give a daily allowance of Rs 70 to each of the Maoist combatants living in cantonments. A decision was also made to set up a combatants monitoring and management committee with the Minister of Peace and Reconstruction as the coordinator

19 September

The Nepali delegation to the United Nations led by PM Dahal leaves for New York to attend the 63rd UN General Assembly meet

20 September

The duration of the National Mine Technical Committee is extended by one year effective from 28 July.

The government increased the amount of money being given to the Maoist combatants.

A decision is made to form a working group to collect information on conflict affected persons, families and structures.

26 September

PM Dahal attends the UN General Assembly meet in New York.

3 October

The government decides to withdraw the cases with charges relating to political ideology that occurred during the insurgency, the April Movement and the Tarai-Madhes Movement.

A decision was made to form a high-level panel to modernise the security bodies.

The government decides to provide equal allowances to the 153 qualified combatants residing outside the cantonments, four combatants disqualified in the second phase of verification carried out by UNMIN, 669 more combatants registered and qualified in that verification, and 253 combatants registered and

disqualified in the same verification phase.

The government calls the armed groups of the Tarai-Madhes for talks to bring them into mainstream politics and to channel the current peace process to a logical end. A committee is formed with the Minister for Peace and Reconstruction, Janardan Sharma, as the coordinator. The Local Development Minister Ramchandra Jha and the Education Minister Renu Yadav were appointed as members.

5 October

The government decides to manage the supply of food grain to districts hit by shortages.

Government agrees in principle to the draft Sexual Harassment at the Workplace (Control and Punishment) Act 2065.

Conventions and Recommendations endorsed by the International Labour Conference to be sent to CA for information.

Injured of the Belbari shooting incident which occurred in Belbari Morang on 25 and 26 April 2006 are to be treated for free.

16 October

Peace Committees are to be formed in 75 districts

24 October

The government decides to provide Rs 50,000 to Yagya Prasad Panta, Rs 30,000 to Jitman Basnet and Rs 20,000 to Toya Prasad Khatriwada, Basudev Poudel, Rajan Prasad Khatriwada, Gaiya Prasad Chaudhary, Achyut Regmi and Saroj Kumar Yadav in compensation as recommended by the NHRC

25 October

The government decides to sign the Status of Mission Agreement (SOMA) with UNMIN.

Government decides to approve the Control of Human Trafficking Regulation, 2008.

27 October

The government decides to withdraw 349 cases, including the case of Prakash Dahal.

Government approves the Senior Citizens Regulation, 2008.

Decision made for exemption of renewal fees and royalties for the FMs, Televisions and Cable Networks.

The Narayanhiti Museum, established in the palace, to be open for the people within next four months.

5 November

The Mahendranagar Municipality, the Prithvi Narayan Municipality, and the Tribhuvan Municipality are renamed as Bhim Dutta Municipality, Gorkha Municipality and Ghorahi Municipality respectively.

A decision is made to appoint Rammani Pokharel of Bhojpur, Kayodevi Yami of Kathmandu, Prem Kunwar of Achham, Prof Dr Yogendra Prasad Yadav, Sunil Babu Shrestha of Gorkha and Ram Devi Singh of Parsa as National Planning Commissioners.

Rs 100,000 to be provided to families of each disappeared person from the conflict pursuant to section 1.1.1 of the Standard of Financial Support and Relief, 2065, approved by the council of ministers on 25 April and a letter is sent by the Peace and Reconstruction Ministry on 3 November.

19 November

An agreement is made between the Nepal government and the United Nations Population Fund (UNFPA) to establish a UNFPA sub-regional office in Nepal.

The Bill on Disappearance of Persons 2065 is tabled in the Legislature-

Parliament.

The Peace Fund (Operation) Regulation, 2065 endorsed

The Social Security Programme Operation Procedure, 2065 endorsed

3 December

A judicial probe commission is formed to investigate the killing of Ashish Manandhar and Ritesh Rauniyar.

The government decides to send a preliminary report on the Second Optional Protocol of the CRC- Prohibition of sale, child prostitution and child pornography. The government decides to sign the UN Convention on Inter-state adoption.

A decision is made to accede to the UN Convention on Rights of Persons with Disability and its Optional Protocol, 2006

The government decides to renew the temporary registration of vehicles used in Maoist cantonments and by Maoist leaders

A 3-member investigation committee comprising of SC Nepal Bar Association member advocate Umesh Praasad Mainali, advocate Salikram Sapkota and FNJ former general secretary Mahendra Bishta is formed to probe the killing of Kailali-based journalist Jagat Prasad Joshi.

10 December

The Identity card Distribution for Disabled Persons Directive 2065 is issued.

A committee to be formed with the Minister for Peace and Reconstruction as coordinator and Ministers of Industry and Education as members to implement the

agreement of the government talks with MJF, Nepal Federation of Indigenous groups and Nationalities, Indigenous groups Nationalities Joint Struggle Committee, Chure Bhawar Pradesh Ekata Samaj, Badi Rights National Struggle Committee, SLMM, SGRM and SLRP.

17 December

Government directs the Ministry of Education to form a high-level education commission to resolve the problems pertaining to the current education policy and sector

28 December

Government directs local administrations to initiate the process to return private, public or government properties seized during and after the conflict by the Maoists and its sister organisations.

Integrated Service Centres are established in Sirdibas of Gorkha and Bardibas of Mahottari to provide services to people

The government decides to add one senior DSP from police headquarters to the investigation commission formed to look into the killing of Kailali-based journalist Jagat Prasad Joshi.

The High-level Land Reform Commission is set up in the chairmanship of Haribol Gajurel to implement scientific land reform

The government decides to distribute identity cards to the families of the persons declared martyrs after the declaration of the country as federal democratic republic



1. Background

Two governments ran the country in 2008. Girija Prasad Koirala led the government formed on the basis of consensus following the success of April Movement of 2006. Then, Maoist chairperson Pushpa Kamal Dahal became Prime Minister by winning the CA elections, an achievement of the April Movement. The Maoists joined the former government but NC decided against joining it. However, the Interim Constitution refers to the consensus of the seven political parties repeatedly.

The CA election, which was a major political demand of the Maoists and which was in discussion for over six years, was held this year. The CA elections can be termed not only as an historical event, but also as a significant achievement in 2008. However, the CA elections did not occur without complications. While the CA elections paved the way for formation of the new government, it happened only after three months. The formation of the government became so complicated that the three-year-old seven party coalition developed rifts and the NC chose to remain in the opposition.

The governments led by Koirala and Dahal faced criticisms for failing to meet their commitments and agreements and there was no sign of change till the end of the year. Instead of taking some bold steps to end the state of impunity, the Dahal government made some decisions which might encourage impunity instead. Like the first government, the second government also could not improve the state of peace and security. The sister organisations of the parties in the coalition government were in competition throughout the year in unlawful activities, overlooking the principle of the rule of law. The government consistently defended their sister organisations instead of attempting to check such illegal actions.

The youth groups affiliated with Maoists, UML, MJF and NSP became a great source of anarchy.

The issues of disappearance, displacement, extra-judicial killing and capture of properties connected with the 10 years of conflict continued to be subjects of demands and many agitations. This created a lot of doubt over the level of governmental concern towards these issues. Both governments were unable to improve the continuous deterioration of the state of human rights in Tarai-Madhes. However, towards the end of the year, The government began holding talks with some armed Tarai-Madhes groups though such groups had less political sway.

The government could not provide security to voters, candidates or election observers during the election campaign. The rowdy acts of Maoist cadres especially deterred the candidates from going to rural areas. An environment of fear surrounded the elections as the Maoists had not disarmed and many election violations including killings affected the election results.

The then PM Girija Prasad Koirala did not contest in the election under first-past-the-post system. UML general secretary Madhav Kumar Nepal, deputy-PM KP Sharma Oli and home minister Krishna Prasad Sitaula faced defeat.

The management of Maoist combatants remained unresolved as the major political parties could not reach to a consensus.

The role of the government in 2008 will be analysed in this background.

2. The CA Election and the New Situation

The Interim Constitution 2007 mentioned that the CA election would be conducted pursuant to the decision made by the leaders of seven political parties and the Maoists on 8 November 2006 after the historical popular uprising and

the Comprehensive Peace Agreement held between the government and the Maoists. As per the provision, the election of the CA was conducted this year. Despite two deferrals and threats by armed groups to cause disruption, the elections were held on 10 April. Due to the difficult condition in which the election was conducted, the cancellation of the election in 121 polling centres of 21 constituencies in 12 districts¹ was not taken as a serious concern.

A mixed electoral system was adopted for the first ever election of CA members. Article 63 sub-Article 3 of the Interim Constitution 2007 mentioned that out of 425 members, 205 members shall be elected on the basis of a First-Past-the-Post system. Another 204 members shall be elected under the proportional electoral system on the basis of the votes given to the political parties, considering the whole country as one election constituency. Another 16 members were to be nominated by the interim Council of Ministers. The Constituency Demarcation Commission was formed to review the existing constituencies with an aim of increasing members coming from the First-Past-the-Post system. The commission decided to increase the constituencies' number of members to 240 which led to an increase in the number of members to be elected under the proportional system to 240. The number of nominated members was also raised to 17 making a total of 497 members. The CA election was postponed to 22 November 2007 from May/June 2007. The third amendment of the constitution took place with political consensus. At last, the number of CA members was settled at 601 members- 240 under First-Past-the-Post system, 335 under proportional system and 26 nominated members.

INSEC monitored the activities of the political parties from 4 February to

27 April on the basis of election code of conduct based on international norms and values of human rights. INSEC concluded that there were no timely hearings on complaints of violations of the code of conduct and no action was taken in many cases which required prosecution under other laws. The Election Commission (EC) took action against only one person – its own staff.

Article 21 of the Universal Declaration of Human Rights says that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Likewise, Article 25 of International Covenant on Civil and Political Rights (ICCPR) to which Nepal is a state party says that every citizen shall have the right to take part in the conduct of public affairs, directly or through freely chosen representatives (25 a). Under the ICCPR, everyone has the right to vote and to be elected at genuine periodic elections which shall be though universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors (25 b).

Unfortunately, the government was not found to be guaranteeing a fearless environment for the voters and the candidates participating in direct voting. Even the ruling parties resorted to use of promises, threats and fear rather than invoking people's trust to win the elections. The EC and the government did receive many complaints regarding violations of the code of conduct but they did not express willingness to take action against the accused either. In many cases, the government did not heed to EC's recommendations to take action against the violators. This led to the parties following the code of conduct in the beginning to flout it as the election neared.

1. election.gov.np/EN/detail-news.php?id=128

One of the motives of limiting the Maoist combatants in the cantonments was to stop them from exerting their power to affect electoral activities. UNMIN has the responsibility to monitor the Maoist combatants living in the cantonments as per the Peace Agreement and the Arms and Ammunition Management Agreement. But, UNMIN was unable to contain the combatants inside the camp in 2008 as per the spirit of those agreements. Even the EC had to draw UNMIN's attention towards increasing its vigilance for the effective monitoring of the combatants. The UNMIN head, Ian Martin, said that armed Maoist combatants coming out of the cantonments is a serious issue. The EC requested UNMIN to make the Joint Monitoring Coordination Committee more active².

2.1 Insecure candidates

Not only did the violations of the code of conduct increase as the election campaign intensified, it also increased the risk of violations towards some candidates. Three candidates were killed during the election. INSEC also documented many cases of abductions, beatings, obstructions and assaults on candidates. A statement issued by the EC on 3 March 2008 expressed concern over assaults on the candidates but it did not initiate any action in this regard.

INSEC observation shows that the political activists in election campaigns faced more threats. Party workers were threatened by workers of other parties against getting involved in election campaigns. Out of 28 complaints filed at OHCHR between 6 and 9 April, 22 concerned Maoists³. Even the OHCHR

showed interest in the lack of police action against the Maoist cadres involved in abductions⁴.

Competition among activists of the different parties was not healthy. Assaults on other parties in different pretexts including torching banners and flags and creating obstructions were common throughout the election campaign. The tension flared in Dadeldhura among the NC, the UML and the Maoists after the NC activists allegedly burnt UML and Maoist flags. The situation was diffused by enforcing a curfew for two days.

Political parties did not miss a chance to compete in attracting people through high promises. The Maoist leaders did not hesitate to threaten the resumption of war if they did not win the elections. Addressing an election meeting in his home district, Maoist leader Dr Baburam Bhattarai said, "If we lose, there will be a new revolution"⁵

The voters cast their ballot fearing the disruption of the prospect of peace. Political parties including the UML and the NC hoped to make the Maoists which was involved in 10 years of bloody war to contest the election. They even tolerated some aggressive statements by Maoists to take the peace process to a new height. Elections were held in a tense environment. Even the monitoring alliances did not take into account the environment of fear surrounding the voters as everything seemed more or less normal on surface.

The CA elections established the Maoists, with a background of 10 years of armed conflict, as the largest party in the CA. The MJF, which had become a common front for experienced NC, UML,

2. "EC called Ian Martin" http://EN/detail_newsphp?id=112

3. Constitutional Assembly Elections of 10 Apr. 2008: Summary of Human Rights Monitoring. OHCHR_ Nepal. Page 3

4. Ibid.

5. "A new revolution if Maoists lose the election". <http://www.nepalnews.com.2008:mar 05/news02.php>

Maoist and RPP Madhesi leaders, became the fourth largest party.

2.2 Formation of the new government

The changed political equation brought more hurdles to form a new government. The Interim Constitution demands that the Prime Minister should call the first meeting of the CA within 21 days of the final results. But there was confusion over which results should be taken as final. At last, the parties agreed to take the day when the names of the candidates were finalized for proportional election as the day of the final results. As the list was finalized on 8 May, the first meeting was agreed upon for 28 May.

The first meeting of the CA officially declared Nepal as a republic. The voting began at 9 pm and results came at 11pm. The nomination of 26 members was still pending. The motion for the creation of the republic of Nepal got 406 to 4 votes. It was also proposed during the meeting to turn the Narayanhiti Palace into a museum and that the country onwards would be called a Federal Democratic Republic (See Highlight of the year : Challenges of Constitution Drafting Process). The CA also endorsed the motion for an Interim Working Procedure and paved the way for a ceremonial President.

While defending his actions in a press conference he called before leaving the palace on 11 June, former King Gyanendra played a positive role by conceding to people's verdict. He also informed that he would continue to live in the country. (See Annex 6)

After that, discussions on the dissolution of the old government and its replacement generated confusion and differences. The Maoists became restless by the provision of continuity of the interim government till the PM resigns or until the new government is formed. The issue of how to replace the old government with a

new one could not be agreed upon easily. The seven-party consensus began to crumble. Maoists had already publicised Prachanda as the future President while the remaining parties were adamant on his unsuitability for the post of either President or PM citing his status as head of Maoist People's Liberation Army. Maoists were in hurry to form the government as the largest party in CA while Girija Prasad Koirala, was reiterating that he was ready to resign as PM but had no one to tender his resignation. Koirala said that he would resign after the election of the President. Thus, the formation of new government loomed in uncertainty for three months after the CA elections.

The uncertainty came to an end when the President Dr Rambaran Yadav called on the Maoists to form the government. He urged the Maoists to form a new government while creating a political consensus as per Article 38 (1) of the Interim Constitution. But the Maoists had to toil hard to create the consensus. The alliance of the NC, the UML and the MJF, which was created for the elections of the President and Vice-President, was dissolved and a new alliance of the UML, Maoists and MJF allowed the Maoists to lead the government. The NC chose its role as opposition within the framework of consensus as called on by the President. The Maoist chairperson Prachanda was sworn in as the first elected PM of the republic of Nepal. Maoists achieved a new benchmark towards attaining their 10-year-old dream.

3. Pile of agreements sans implementation

with the signing of the 12-point agreement between the Maoists and the seven parties on 22 November 2005, the people had hoped to be relieved of the autocracy of the king and the Maoist rebellion. But the situation was not that simple. The State signed many agreements

and accords at a time when demands, protests, warnings, threats and violence carried out by several groups was a daily routine. A new trend of shelving the old agreements and inking new ones was established. While implementation of the pre-CA election agreements was pending, the new agreements kept coming. Maoists signed eight agreements in 2008 on returning the properties captured during the period of insurgency but the problem remained unresolved. The same point was raised with urgency regarding a 9-point agreement between the Maoist-led government and the NC. However, the agreements were signed just as a tool to quell the tension at hand. This practice led to doubt over the government's honesty.

From 7 August 2007 to 5 September 2008, the government had agreements with eight sides. The total number of those agreements is 78. If we analyse the documents of the Ministry of Peace and Reconstruction, only 36 of them have been executed. In 2008, the government signed the 8-point agreement with the SLMM, the 5-point pact with SGRM, the 5-point agreement with SLRP and the 5-point agreement with Rastriya Haliya Mukti Samaj (RHMS).

The MJF and the NSP issued threats to quit the coalition throughout the year accusing the government of disregarding the agreements. Another Madhesi party, the TMDP, even announced agitation withdrawing its support for the government. Even the NC, which had signed several agreements while it was in power, did not miss the chance of warning of agitation for not implementing its 9-point demand.

The Ministry for Peace and Reconstruction has been assigned to implement all the agreements and accords. In fact, most of those demands cannot be executed only through the special decisions of the Ministry thus there is no probability of resolving the issues without massive

political consent. But lack of honesty and suspicion towards the commitments did not open the way for political stability.

4. International Commitments and Government

Nepal has acquired the status of being party to the highest number of human rights related conventions including the six core UN Conventions. However, the status of implementation is very poor. There have been some laws drafted in an attempt to realise these commitments but they fall far short of adhering to the main spirit of the conventions.

Nepal expressed its solidarity to empower people with disabilities by signing the UN Convention on the Rights of the People with Disabilities and its Optional Protocol on the first month of the year. But it did not stick to its several commitments towards acceding to the Optional Protocol of the CAT 2000, the UN Convention for the Protection of All Persons from Enforced Disappearances 2006, the UN Convention on the Rights of the People with Disabilities and its Optional Protocol 2006 and the UN Convention on Protection of All Migrant Workers and Their Families 1990. An absence of any reference to the Rome Statute in government policy indicated its lack of interest towards it. The reinstated parliament had already issued a directive order to accede to the Rome Statute in 2006.

The government could not act on the recommendations for the improvement of measures to protect and promote human rights made by the UN Special Procedures following their visits to the country. Government indifference towards extending invitations to the Special Procedures who had requested an invitation to visit the country showed that the government was not much keen on keeping affiliation with the UN system.

This year, Radhika Coomaraswami, the Special Representative of the UN Secretary General on Children and Armed Conflict and Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People Prof S James Anaya came to Nepal on the government's invitation. Coomaraswami presented her recommendations to the government following her visit at the end of the year. She said that PM Dahal had expressed commitment to release the children who were found underage during the verification process and were living in the cantonments (See Highlight of the year : Challenges of Constitution Drafting Process).

During the winter session of the Legislature-Parliament, Nepal acceded to the ILO convention 169. Nepal is the 19th country in the world and second in Asia in acceding to this convention. However, the government could not prepare any homework to implement this Convention which safeguards the rights of indigenous groups to land, appointment, employment opportunity, and professional training.

5. Baseless Ground for Talks

The government kept reiterating before and after the election that they will hold talks with the armed groups of Tarai-Madhes. The government formed a 3-member committee to hold talks with them. Committee coordinator, Janardan Shrama, called on the groups to come to meet. Asking the armed groups not to resort to aggressive acts, the first meeting of the committee held on 17 October decided to provide a guarantee of security to those coming for talks while sending letters to other groups through contacts, fixing the date and venue for the talks.

The government sent correspondence to the Kirant Janabadi Workers Party, the Tarai Cobra, JTMM

(Ranbir), LTTE, JTMM (Prithvi), Madhesi Virus Killers (MVK), Akhil Tarai Mukti Morcha, SJTMM (Pawan Giri), SJTMM (Pawan Singh), Madhesi Mukti Tigers and the Rai Samyukta Janatantrik Party (Tarzen). Among them, only the Kirant Workers Party is active in hilly areas while the others are active in a few districts of the Tarai-Madhes. Formal and informal talks began with some groups who responded to the government invitation.

The Minister for Peace Janardan Sharma held talks with some groups in the districts of Saptari and Dhanusha on 20 and 21 November. The dialogue was held with the leaders of a 14-group coalition called the Madhes Rastra Janatantrik Party (Revolutionary) and the SJTMM. However, only the MVK arrived in Kathmandu to hold talks with the government on 11 December. MVK leader Jay Prakash Yadav had gone to Sunsari in February to surrender but when he came to know that the Sunsari District Administration would arrest him on charge of a murder he came back⁶. INSEC received information that the MVK, which demands for integration of its claimed 1,000 militias to the Nepal Army, has started recruitment in some VDCs of Saptari after the talks with the government began.

Government held informal talks with the JTMM (Rajan Mukti) on 26 December. The coordinator of the talks team Sanjay Gupta, alias Kautilya Sharma, demanded for the release of father and brother of Rajan Mukti as a condition for the government talks. Police released Mukti's father Bidhyananda on 24 December. A member of the talks team Ramchandra Jha said in a meeting in the capital around third week of November that 'The mother party of all new armed groups is the JTMM founded by Jay Krishna Goit. The government cannot hold talks with Goit, who was in left politics for a

6. "Neta Rajdhanima Masta: Madhes Astabyasta." *Himal*. 16- 30 Dec. 2008: 40

long time, as he was demanding for a separate state⁷. MJF leader and Foreign Minister Upendra Yadav expressed that the criminal activities can be controlled only if the logical demands of the armed groups are addressed.

Such attempts to hold talks occurred in the past but they all turned futile due to lack of sound homework. Even the choice of the dialogue team members reveals a lack of ground work for the CA and the Madhesi parties in the government. The government seems to have given little thought on suitability of the members of the talks team which included Local Development minister Ramchandra Jha, who supports his party stand against the one Madhes' 'one state, concept and Education Minister Renu Yadav, who came from pro-king background.

The way the government gave momentum to the talks with the Madhes parties also did not show its willingness to take it to any successful conclusion. Even the groups involved in the dialogue did not attempt to establish their credibility making the issue of peace talks difficult to be materialised.

6. Continuity of Impunity

Impunity has emerged as a serious test to the logical conclusion of the peace process and the strengthening of Loktantra. The tasks of creating rule of law, making the perpetrators accountable, providing reparation to the victims and establishment of sustainable peace pose serious challenges. The people holding responsible positions at the state level are found to be engaged in contributing to the state of impunity and the executive decision of withdrawing criminal cases are full of hazards for the peace process.

Absence of the rule of law with the excused of the transitional phase has affected the stabilization of society and

ensuring the success of Loktantra. There is no substantive initiative towards ending state of impunity. A lack of meaningful steps to check impunity and the state indifference towards it has raised concerns among human rights and rule of law advocates.

International law refers to the failure or unwillingness to bring perpetrators of human rights violations to justice and to provide reparation to the victims. The government has not tried to change the status of impunity by creating legal provisions nor by contributing to the legal system itself. Political leaders are harbouring an illusion that impunity will secure the base of political consensus and contribute to consolidate democracy. Therefore, there is a growing trend of ignoring the criminal activities carried out in the name of politics. On this very principle, a meeting of council of ministers on 8 April 2007 decided to release 11 persons serving under criminal offences. Among them, seven were convicted of murder. Two days after the decision, 156 Kaski prison inmates vandalised and torched the building demanding blanket amnesty. The unrest spread to jails throughout the country.

Instead of learning its lesson from that incident, the government withdrew 349 cases of serious crimes and crime against humanity in the name of political ideology. Even cases of drug trafficking and rapes were among those withdrawn. Twelve out of 99 murder cases which the government withdrew occurred after the signing of the CPA. The case of the killing of Kamal Prasad Adhikari who was contesting the CA election as Jana Morcha Nepal candidate was also retracted.

On 18 November a day before the two year anniversary of the signing of the CPA, buried bodies of Nirmal Panta and Puskhar Dangol of Syuchatar

7. Ibid: 39

in Kathmandu were recovered from Pida VDC of Dhading. The two were abducted from Malekhu of Dhading by YCL cadres on 20 October. It is still not clear what stopped the administration from searching for the abducted duo in that area. Other incidents like the abduction and killing of businessman Ramhari Shrestha of Koteswar, Kathmandu, in the Maoist cantonment in Shaktikhor, Chitwan and the release of several convicts in the name of blanket amnesty following a decision of the Council of ministers without even informing the authorities at the Central Jail show that the culture of impunity in the country is as strong as ever.

The competition between sister organisations of the parties in the coalition government did not try to better each other on the grounds of principle, ideology or public service. They served only to create fear among the people. Political parties themselves were engaged in the culture of impunity. Ironically, no thought was given to the possibility that a dangerous precedent might be ushered in by the attempt to justify such activities. The YCL of the Maoists, Youth Force of the UML, Madhesi Youth Force of the MJF, Madhes Raskha Bahini of the Sadbhawana Party (Mahato), and Madhesi Commando of the Sadbhawana Party were not only involved in violating laws but were even seen clashing over tender and contract applications.

In the context of impunity, no one can forget the human rights violations that occurred in the past. Failure in the development of a democratic governing system can be attributed to the results of the impunity. Therefore, there were many agreements signed at the political level to address impunity as a part of the peace process with the norm of not exempting the perpetrators from crimes against humanity and grave violations of human rights that occurred during the 10 years of conflict.

Article 5.2.5 of the CPA and Article 33 (19) of the Interim Constitution have provisions for the establishment of a High Level Truth and Reconciliation Commission to decipher the truth of people involved in serious human rights violations and crimes against humanity carried out during the conflict and to create an environment of reconciliation in society.

The SC had issued a directive order on 1 June 2007 to the government to address the incidents of enforced disappearance. The order asked the government to draft special laws to end the prevalent impunity, criminalising the act of enforced disappearance and establishing an investigation commission as per the international standard to find out the whereabouts of the persons disappeared during the conflict. While deciding on a writ petition filed regarding the extra-judicial killings in which the investigation was refused, the SC had asked the government to launch a criminal investigation on those cases and to draft a law to ensure rightful reparation to the victims. However, neither government this year paid attention to the order.

The government had made public the draft bill on Truth and Reconciliation Commission 2007 last year as per the political consensus. The proposed bill said that if any person is found to have committed a gross violation of human rights or a crime against humanity in the course of abiding by his/her duties or with the objective of fulfilling political motives, the Commission may recommend amnesty to such persons. This provision had drawn much criticism from the legal experts who believed that the motive of the law was to address past violations by providing amnesty rather than addressing the impunity (See Highlight of the year : Challenges of Constitution Drafting Process).

The arrest and disappearance of



individuals has become a general policy of the security bodies following the state of emergency imposed in November 2001. As a result, Nepal gained notoriety as being the country with the highest number of enforced disappearances.

On the issue of life, liberty and security of an individual, the UDHR 1948 provides freedom against arbitrary detention by setting up some standards. The ICCPR 1966 provides each individual the protection against arbitrary arrest and detention. Likewise, the UN Convention for the Protection of All Persons from Enforced Disappearance which came into effect on 20 December 2006 mentions that no one shall be subjected to enforced disappearance. The SC issued a directive order to the government to take action referring to the Convention as the international standard on the issue. But the government has not formed the Commission for investigation of disappeared persons.

Killing is a prohibited act in almost all laws and legal systems while extra-judicial killing is regarded as a crime against humanity. So, extra-judicial killing is a serious kind of crime violating the individual's right to life with the involvement, support, encouragement or agreement of the state or its body or personnel.

All the illegal killings that occurred during the armed conflict fall into the category of extra-judicial killing. But the death of combatants during clashes which meet the conditions accepted under international humanitarian law might not be called extra-judicial killing. At such time, non-combatant civilians should be protected.

Since the Maoists launched the armed conflict in 1996, both sides carried out extra-judicial killings in a massive, organised and planned manner. The government adopted extra-judicial killing

as a state policy to suppress the insurgency while many incidents of extra-judicial killings were carried out by Maoists as a war strategy against those opposing the 'people's war'.

INSEC documentation shows that 8,336 persons were killed by the state during the conflict while 4,919 were killed by the Maoists. It is still not ascertained how many deaths national and international standards will term as extra-judicial killing. The families of the killed persons had hoped that the Truth and Reconciliation Commission would be able to investigate such extra-judicial killings but the government disregarded several agreements and even the Constitution by not setting up the Commission by the end of the year. Instead, the government agreed to provide Rs 100,000 to families of each person killed in the conflict. The government not only brushed aside the SC verdict, it also lost confidence of the conflict victims.

7. The Sidelined Problem of Displacement

Amongst the problems generated by the armed conflict, internal displacement was a problem which had a multidimensional impact in society. The problem of internal displacement is still lingering. The unresolved problem has also affected the success of the peace process. The IDPs who harboured a hope of a smooth return back home following the Maoists' entry into mainstream politics was disappointed. Like other agreements, the commitments expressed by the then rebel Maoists and the government on resolving the IDP issue could not take a significant shape.

One of the major reasons for displacement during the conflict was the capture of properties by the Maoists. The CPA, which was signed to announce an official end of the conflict, also commits to the return of properties seized by the

Maoists during the armed rebellion which is yet to be materialised. All the properties should have been handed over to the owners if the 5th point of the CPA was adhered to. Unfortunately, contrary to that there were reports of property capture even after the signing of the peace deal.

Maoists captured four katthas of land belonging to Kul Bahadur Biswakarma, 33, of Belawa VDC-1 in Bardiya district by a group of Maoists led by Datte Tharu on June/July 2008. According to Jajarkot District Police Office, Maoists sold the house and land of Sarbadal Rokaya of Bijulidanda in Paik VDC-4 as well as the land and building of a police station in Ragda VDC which was sold for Rs 50,000 and Rs 20,000 respectively.

Section 18 of the Directive Principles on Internally Displaced Persons 2007 authorises the NHRC to monitor the situation of IDPs. But the NHRC, so far, has failed to establish a regional mechanism citing a lack of human resources as the reason. It has appointed one person in the central office. There is no focal person for the monitoring mechanism at the regional and district levels. INSEC records show that the properties of 275 families of the Mid-Western Region and even among them 56 families in Banke and 18 families in Dang are still held by the Maoists.

The government decided to allot expenses in the budget to rescue the IDPs of the Eastern, Mid-Western and Far-Western regions. A family willing to return to village gets upto Rs 50,000 to manage food, clothing, health care and shelter on temporary basis. Likewise, a decision was taken to form a working group to plan separately for the settlement of those IDPs who cannot go back to their homes but the work plan of the group was not made public until the end of the year. The government could do nothing in th

is regard despite, the plan to form local level peace committees to solve issues including displacement.

8. Deteriorating Security- a Result of Impunity

Even after two years of the CPA, the state of security did not improve as expected. The government, political parties, their sister organizations and different organized groups were mainly seen as responsible for this situation. Instead of having a race for the public good, the sister organizations of the political parties competed in breaking rules and creating terror in society. Political parties also fueled the culture of impunity. Ironically, no thought was developed towards the possibility of the dire consequences that such acts of impunity could invite. Local administrations used the state of transition as an excuse to escape accountability. (See Annex 2: Facts on Human Rights Violations in 2008)

The most important issue of current affairs discussed in the parliament was on peace and security and the rule of law. Even the PM conceded at the rostrum that the country was in a state of impunity. Sidelining the issues of the implementation of policy, he tried to shift all the responsibility on the bureaucratic state mechanism⁸.

When called upon by the NHRC on 19 November to inquire about the implementation status of its recommendations on action against the perpetrators of human rights and compensation to the victims, Deputy-PM Bamdev Gautam cited remainder of the armed conflict as a reason for the continuity in human rights violations.⁹

Irresponsible statements of the PM and his deputy give a picture of the light attitude the government holds towards

8. Phuyal, Rajendra. Lachar Pradhanmatrika Niriha Grihamantri. *Kantipur*. 13 Nov. 2008

9. Dandahinatako Antya Garne Pratibadhdhata. *Gorkhapatra*. 23 Nov. 2008

state of peace and good governance. Accepting that the situation of peace and security had not improved as expected, the government claimed that the situation in the Kathmandu valley and other parts of the country had significantly improved despite the failure to put a complete end to violence and criminal acts in some parts of Tarai-Madhes. According to the government, during this period, some attempts have been made to check the night life in the Kathmandu valley considering the business based on the night life had created some threats to peace and security¹⁰.

The above government statement shows that the problem of peace and security is perceived only as a crime created by the businesses related to nightlife in the capital. But the government also formed a commission for the criminal incidents completely unrelated to the nightlife. While forming a commission for each crime, the government did not consider that this was resulting in a decline in public confidence in state security mechanisms. The government, however, did not bother that such commissions are actually the examples of government failings. The Home Minister proudly held press conferences to announce the formation of commissions, whether on the death of Pradip Khadka of Lalitpur or the killing episode of Ramhari Shrestha of Koteswar.

9. Negligence in Food Supply

The people of 12 remote districts of the mid and far-western regions faced food shortage yet again. World Food Programme had pointed out that over 2.5 million people of the rural areas of those 12 districts were in urgent need of food aid.¹¹

The government policy and programme on food security proved ineffective. The SC ordered the government on 25 September to ensure food supply to the districts facing shortage of food citing the provision of food sovereignty mentioned in Article 18 of the Interim Constitution.

Article 11 of the ICESCR requires that the State Party will take appropriate steps to ensure the realization of the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The SC had to intervene when the government neglected its obligation. A month after the SC verdict, on 2 November the government decided to launch the food for work scheme in 22 districts in cooperation of the World Bank. Despite this, the districts remained hit by the food shortage. INSEC district representatives of, Kalikot, Humla and Jumla reported that the price of rice reached up to Rs 400 per kilogram. The government claimed that it had supplied the food by air¹².

10. Efforts for Social Justice

The government set up a Land Reform Commission in the chairmanship of the Maoist leader Haribol Gajurel but the move did not escape criticism. The Commission was not complete until the end of the year. Likewise, the government informed that it was on the final stage of establishing a high-level commission for the management of freed kamaiyas and haliyas (bonded land tillers) but no such commission was established in 2008. The government declared the freedom of haliyas but not before they staged agitation for days. (See Highlights of the Year, Challenges of Constitution Drafting

10. www.peace.gov.np/admin/doc/karyanwayan%-20stithi.pdf.

11. Pyakurel, Subodh. INSEC. Press statement www.inseconline.org/np/press.detail/pht?newsid=438

12. www.peace.gov.np/admin/doc/karyanwayan%-20stithi.pdf.

Process)

The government freed haliyas through a declaration on 5 September, a day after a 5-point agreement was signed with them. About 13,000 haliyas were relieved from bondage. Following the agreement, the government also set up a committee to collect statistics on haliyas. Though the government said that it was planning for their rehabilitation however, no such program was implemented.

A directive was issued to increase the allowance to elderly citizens, disabled, single women, and communities on the verge of extinction and to distribute identity cards to them. But there was no thought of forming a monitoring body to see the implementation status of those directives. In most of the districts, such groups and to communities remained deprived of the new amenities that they were promised (See individual district information in the book).

The community based rehabilitation programme for people with disabilities was expanded to 50 districts from this year. Though said to be under preparation the National Commission for inclusiveness was not formed till the end of the year.

11. Fear of Explosive Devices

There is a general drop in casualties from victim-activated explosions after the CPA between the Seven Party Alliance (SPA) and the Maoists on 29 November 2006. This is indicative of the threats declining of the Explosive Remnants of War (ERW). However, if the increasing use of explosive devices by armed groups in Tarai-Madhes causing civilian casualties is not addressed immediately, the number of casualties will climb up.

So far, five out of 53 minefields have been demined in an attempt to clear the mines and other explosive devices scattered throughout the country. The mandate for the Technical Committee on Mine has been extended by one year.

Both sides have expressed a commitment in the CPA not to use and transfer the explosive devices but the statistics show that the threats from explosive devices are still a reality. The number of incidents due to the explosive devices left by the Maoists is going down in hilly region but the number is going up in Tarai-Madhes owing to increasing use by the armed groups there. Such explosions are claiming the lives of innocent civilians. The INSEC Surveillance System on victim activated explosion shows a total of 37 incidents with 72 casualties in 24 districts in 2008 (See Annex 5 for details).

12. Issue of Maoist Combatants Management

The government established the Peace Fund with an aim to provide support to the management of the Maoist cantonments, upgrade the security mechanism, rehabilitation of the displaced persons and the elections of the other bodies, and support the peace process. This year, the government transferred its responsibility to the Ministry of Peace and Reconstruction after amending the Peace Fund (Procedures) 2006.

According to the constitutional provision, a special committee for the management of the Maoist combatants including integration of the arms should have been set up within 15 days of the formation of the new government. But this was delayed due to the difference of opinion between the Maoists and the opposition in this regard. The NC demanded the clarification on the formation and working procedures of the committee while it also expressed its discontent with the size and composition of the committee. The NC did not send its representative to the committee, charging the government of breaching the constitutional provision and the political consensus reached on 25 June. The government formed a 5-member special committee for monitoring, integration and

rehabilitation of the Maoist combatants with Deputy PM Bamdev Gautam as the committee coordinator in which only four parties represented. The committee was inactive throughout the year while the issue of the integration of Maoist combatants was limited only to debates.

A directive on sectoral Conditions of Local Peace Committee, 2008¹³ was implemented in 33 districts to operate the peace campaign in the country but a lack of inclusiveness marred its performance. These local peace committees were disbanded towards the end of the year. Though it was confirmed that the lack of such committees would hamper the tasks including verification of displacement and victims of conflict, there was no attempt to re-establish the committees.

13. Conclusion

The main responsibility of the pre-elections government was to hold CA elections while restoring peace and security and bringing an end to disorder in the country. The government could not fulfill its entire mandate successfully however the conduction of elections was a matter of great relief.

Formed on the basis of the election results, the Maoist-led new government had to shoulder the responsibility of maintaining peace and security. Its major mandate is to institutionalize the federal democratic republic by promulgating a new constitution within two years. But, the Maoists antagonised NC during the election of the president and the vice-president. It could not maintain cordial relations with the UML and the MJF- the partners of the coalition government by the end of 2008. Maoists did not take action to check the activities of its cadres despite knowing that they were responsible for exacerbating the law and order situation in the country. Likewise, there were many

announcements aiming at providing relief to the people but their implementation status remained very poor.

"I will give 60 to 70 marks to the government¹³". This self-evaluation by PM Pushpa Kamal Dahal gives an indication that how much the government was able to meet the people's expectation.

Most of the complexities in 2007 were a result of the lack of implementation of past agreements including the 12-point understanding. If the differences among the political parties persist for long, it will lead to a political stalemate which in turn will affect the constitution drafting process. The Interim Constitution has awarded constitutional status to seven political parties where even the complaint cannot be filed against them in the court. In other words, the consensus of the seven parties has been established as a primacy for the operation of state business. It is the parties' moral responsibility as well as homage for the April Movement 2006 to maintain consensus till the new constitution is in place.

The path to sustainable peace cannot begin without the deliverance of justice. So, special attention should be given towards curbing impunity and insecurity in the country. The peace process should be mobilised by immediately forming the commissions as mentioned in the Interim Constitution which will contribute to the drafting of the constitution. Maoists, as the largest party in the CA, should initiate a move to build up common perspective on issues of national interest including the armed groups of Tarai-Madhes, nationalities and the management of Maoist combatants while respecting the opinions of the parties present in CA. The responsibility to facilitate the constitution building primarily lies with the Maoists.



3.3 State & Human Rights

Legislature & Human Rights

Chapter

3

Chronology (1 January- 31 December 2008)

10 January

Members of the Legislature-Parliament endorsed unanimously the proposal to constitute a Legislature-Parliament Regulation Amendment Committee and names of the officials of the committee.

16 January

The good governance (Management and Operation) bill 2064 BS was endorsed unanimously. The third convention of the Legislature-Parliament ended.

28 May

A proposal to remove difficulties while conducting activities as per Constituent Assembly Legislature Parliament Regulation 2063 BS was endorsed.

20 June

The Nepal Act Amendment Ordinance 2064 BS was endorsed unanimously.

25 June

The order issued by the government to remove difficulties as per the Article 158 of the Interim Constitution of Nepal 2007 endorsed by majority.

26, 28, 29, 30 June, 2, 3 and 3 July

The house session was adjourned after lawmakers affiliated with Madhesi Janadhikar Forum, Terai Madhes Democratic Party, Sadbhawana Party, Sadbhawana Party (Anandi-Devi) and Dalit Janajati Party chanted slogans at the house session demanding to implement the agreement reached between the government and the Samyukta Loktantrik Madheshi Morcha (SLMM) on 28 February.

9 July

Maoist chairperson and member of the constituent assembly Pushpa Kamal

Dahal 'Prachanda' expressed commitment to implement the agreement reached between the government and the (SLMM) reached on 28 February.

9 July

Interim Constitution 2007 (Fifth Amendment) was passed by majority.

14 July

An ordinance to take and spend money from reserve fund approved unanimously.

24 July

UML member of the constituent assembly Subash Chandra Nemwang elected unopposed as the chairperson of the Constituent Assembly.

28 July

Prime Minister Girija Prasad Koirala informed the parliament that that he had tendered his resignation to the President.

3 August

Report of the Legislature-Parliament (Third Amendment) Regulation Draft Committee 2065 BS endorsed unanimously.

5 August

Finance Minister Dr Ram Sharan Mahat delivered speech at the Legislature-Parliament about Nepal's participation in 15th SAARC Summit.

6 August

House session adjourned for half an hour after members of RPP-Nepal and Rastriya Janashakti Party chanted slogans protesting shortage of petroleum products.

11 August

Chairperson of the Constituent Assembly Subash Chandra Nemwang informed the Legislature-Parliament that the election of the Prime Minister will take place on 15 August 2008 at 1 pm

15 August

Maoist chairperson Pushpa Kamal



Dahal elected as Prime Minister of the Republic of Nepal by majority.

5 September

Fourth Session of the Legislature-Parliament commenced.

10 September

President Dr Ram Baran Yadav presented the policy and programmes of the Nepal Government for 2008/09 at the Legislature-Parliament.

14 September

Prime Minister Dahal answered the queries raised by members of the Legislature-Parliament on the Policy and Programmes mentioned at the address of the President.

19 September

Finance Minister Dr Baburam Bhattarai tabled the budget of the fiscal year 2008/09 to the Legislature-Parliament.

29 September

House Session adjourned for half an hour due to obstruction created by members of Terai Madhes Democratic Party (TMDP) and Nepal Janata Party.

19, 20, 21, 22 and 23 October

Members of the TMDP boycotted the session of the Legislature-Parliament saying that the government did not pay proper attention to arrest perpetrators involved in the murder of three cadres of the party in Kapilvastu.

9 November

Defense Minister Ram Bahadur Thapa informed that the party had already suspended Kali Bahadur Kham (alias Bibidh) of the Saktikhor cantonment, who was charged of being involved in the murder of Ram Hari Shrestha. Thapa also said that he had not met Kham.

11 November

PM Pushpa Kamal Dahal delivered

a speech on various issues raised at the Legislature-Parliament. Dahal expressed commitment in CA and Legislature-Parliament to address the 9-point demand made by the NC.

17 November

Prime Minister Pushpa Kamal Dahal informed the Legislature-Parliament about his visit to India.

28 November

Legislature-Parliament condemned the terrorist attack in the Indian city of Mumbai.

Maoist constituent assembly member, Purna Kumari Subedi, was elected as CA vice-chairperson.

2 December

A hearing impaired member of the constituent assembly, Raghavbir Joshi, delivered his speech at the constituent assembly through an interpreter.

11 December

The Interim Constitution 2007 (Sixth Amendment) was passed unanimously.

18, 19, 21, 24, 26, 28 and 30 December

The main opposition party the NC boycotted the session of the Legislature-Parliament saying that the 9-point demands floated by the party were not addressed.

24 December

Member of the constituent assembly, Biswendra Paswan of Dalit Janajati Party, independent CA members Sadryul Miya Haq and Baban Singh, boycotted the proceeding of the parliament saying the government did not fulfil their demands.

26 December

Members of the MJF and the Nepal Sadbhawana Party chanted slogans demanding that the Scholarship bill be endorsed.

1. Background

The constituent assembly is responsible for forming the necessary rules for the functioning of the state, and the new constitution after formally ending the institution of monarchy from the country and electing a commoner as the head of the state. However, the constituent assembly and the Legislature-parliament (as termed by the political parties) failed to play an effective role as per the people's mandate due to disagreements between major political parties following the election of the constituent assembly. The Legislature-Parliament, which was formed by political consensus, performed a legislative role for the first three and half months of 2008 and was later replaced by the elected legislation or the constituent assembly.

The constituent assembly led the country towards a historic change by completing the election of the first President and the Vice President, and the election of the Prime Minister as per the provisions of the Interim Constitution 2006. The successful election of the constituent assembly could be considered an important achievement of 2008 as the election filled the vacuum of a representative-less state as no elections had taken place in the country since 1999. The elected constituent assembly replaced the Legislature-Parliament, which was constituted on the basis of political consensus among the major parties, following the Maoists' formal entry into the political mainstream ending a decade long Maoist insurgency. The election resulted with the Maoists being the longest party of the constituent assembly and gave them the responsibility to bring the peace process to a logical conclusion.

The government, after the success of the April Movement 2006, fulfilled the responsibility of bringing the Maoists into mainstream parliamentary politics. The re-entry of Maoists into the political mainstream following Maoist's participation

in parliamentary politics and the signing of the Comprehensive Peace Agreement in November 2006 reduced the fear of a resurgence of war in the country. The election of the Constituent Assembly took place despite various hurdles and made a fresh start towards forming the new constitution. Unfortunately, the assembly failed to play an effective role thanks to misunderstandings among political parties and the repetition of some bad traditions of the previous parliamentary system.

2. Series of Misunderstandings

It took nearly two months to select a president after the first meeting of the constituent assembly ousted the monarchy. Maoists projected the names of various persons as a candidate for the presidency. Maoists also intervened in the external matters of other political parties saying they will not accept certain people as President. Stating that they will not accept the then Prime Minister and NC President Girija Prasad Koirala as the president of the New Nepal, Maoists publicized the name of former general secretary of UML Madhav Kumar Nepal for the post. It was publicized in different media that UML and Maoists had agreed in principle to elect UML leader Nepal for the post of President but Maoists instead fielded Ram Raja Prasad Singh for the post on the day of election of the president and vice-president. The NC, who was waiting to take revenge on the Maoists for not accepting its proposed President, and the UML, who was deceived by the Maoists at the eleventh hour, joined hands along with Madheshi Janadhikar Forum (MJF) during the voting for a President. NC leader, Dr Ram Barana Yadav, and MJF candidate, Parmananda Jha, were elected for the posts of President and vice-president of the New Nepal respectively. The then General Secretary of the NC, Dr Yadav, defeated the Maoist candidate in the presidential race because of the UML

and MJF support. Dr Yadav received 308 votes while his contender Singh received 282 votes of the total 590 members of the constituent assembly who voted in the election. Similarly, the MJF candidate, Parmananda Jha, became the vice-president of republican Nepal defeating the Maoist candidate, Shanta Shrestha. The selection process of the chairperson and vice-chairperson of the constituent assembly also took a long time due to misunderstandings among the political parties. A senior-most member of the constituent assembly, Kul Bahadur Gurung, chaired the constituent assembly meeting for forty-five days. As a goodwill gesture, Maoists supported UML member of the constituent assembly, Subash Chandra Nemwang, for the post of chairperson of the Constituent Assembly and Nemwang was elected for the post unopposed. A Maoist member of the constituent assembly, Purna Kumari Subedi, was elected for the post of vice-chairperson of the Constituent Assembly defeating Pratiba Rana of the Rastriya Prajatantra Party.

The Maoists, which emerged as the largest party of the constituent assembly, threatened not to join the government after its candidates were defeated during the presidential and vice-presidential race. The Maoists put forward conditions like the dissolution of the three-party coalition of NC, UML and MJF and that political parties should make a commitment not to break up the government for at least two years. The mandate of the constituent assembly is to draft a new constitution within two years time.

As per the constitutional provision for the election of the Prime Minister by the Legislature-Parliament, President Dr Yadav called on the Maoists to initiate efforts to form the new government as they are the largest party of the constituent assembly. The election of the Prime Minister took

place 127 days after the election of the constituent assembly. The new government took full shape only 20 days after the then Prime Minister Girija Prasad Koirala, who was appointed for the post of Prime Minister through political consensus among the seven political parties following the success of the April movement of 2006, resigned from the post. The UML and the MJF, who made ties with the NC during the election of the President formed ties with the Maoists during the election of the Prime Minister. Expressing dissatisfaction over the issue of sharing a portfolio in the coalition government, the second largest party of the constituent assembly, the NC opted to fulfill the role of official opposition.

The UML General Secretary Jhalnath Khanal proposed the Maoist chairperson Pushpa Kamal Dahal 'Prachanda', who is also the leader of the Maoist parliamentary party, for the post of Prime Minister at the meeting of the Legislature-Parliament on 15 August. Khanal's proposal was backed by the MJF chair, Upendra Yadav. Defeating the senior leader of the NC, Sher Bahadur Deuba, Maoist chairperson emerged victorious for the post of Prime Minister after securing 464 votes out of 577 votes in the Legislature-Parliament. The constituent assembly, which has the main responsibility of drafting new statute, spent 75 days on the selection of president, vice-president and chairperson of the Constituent Assembly.

Parliamentary committees did not have their heads till eight months after the constitution of the Legislature-Parliament only because of disagreements among the political parties. The issues of human rights and child rights, which were directly related to the people and the main agenda of the drafting a new constitution were overshadowed as the parliamentary committees were not formed on time. There are nine procedural committees in the Legislature-Parliament.

3. Inclusive Constituent Assembly

There is a good representation of marginalized groups including Indigenous nationalities, women, Madhesi, Dalits and other marginalized groups in the Constituent Assembly. The representation of minorities in the Constituent Assembly consists of nine percent Dalit, 33 percent women, 20 percent Madhesi and three percent Muslim. This is the first time in history that a legislative body has become more inclusive¹. Hearing impaired member of the constituent assembly Raghavbir Joshi delivered his speech at the constituent assembly, for the first time in history, through the interpreter taking advantage of the provision of the Constituent Assembly and Legislature-Parliament's regulation that a hearing impaired person can appoint interpreter. Hearing impaired persons were not represented in parliament except in the Constituent Assembly. It is argued that the Nepali parliament is not accessible for physically challenged persons. In his five minute speech, Joshi urged all members to ensure the rights of physically challenged persons².

There was a positive change in women's participation in the constituent assembly as political leaders realized that there was less female participation at the policy making level before the election of the constituent assembly. In previous parliaments, women were not given a sufficient chance to discuss issues pertaining to them. The parliament, following the success of April movement of 2006, announced an end to all forms of discrimination against women and also expressed a commitment to ensure at least 33 percent female representation in all sectors. This legal provision has been fulfilled with women representing 33 percent of the Constituent Assembly. Rather than ensuring proportional representation

of women at the policy making level, the political parties fielded female candidates due to the legal provision. Whatever the reason, there is remarkable representation of women, for the first time, in the constituent assembly.

Unfortunately, there is no proportional representation for women in other organs of the state because there is no legally binding measure to ensure women's representation. This proves that political parties are not serious about empowering women and improving proportional representation at the policy making level. There are only three women in a 24-member cabinet and there are no women representatives in the Army Integration Committee formed on 26 October. In this context, it is expected that women members of the Constituent Assembly could play an important role in creating an environment for increasing women's participation in other organs of the state.

4. Dual Role

The Constituent Assembly, which also has the responsibility of functioning as a Legislature-Parliament could not work effectively in the constitution making process in 2008. After the declaration of Nepal as a Federal Democratic Republic in the first meeting of the constituent assembly, meetings of the Legislature-Parliament began. In the beginning, the members of the constituent assembly were confused about their role due to the dual responsibility of the constituent assembly. Thematic committees and other working committees at the Legislature-Parliament were formed three months after the election of the Constituent Assembly. The main task of the Constituent Assembly, drafting the new constitution, remained in the shadows as regulations were not prepared on time. Only seven meetings of

1. Gurung, Om (Dr). "Sambidhansabhama Utsahi Janajati." *Himal Khabarpatrika* 15-29 Jun. 2008: 16

2. "Hajir Gardai Hidchan Sabhasad." *Kantipur* 4 Dec. 2008.

the Constituent Assembly took place in the period of nine months. The meeting of the Constituent Assembly, which will be held for the drafting of the new constitution, was affected because the Legislature-Parliament could not pass the bill for amending the constitution. Meetings of the Legislature-Parliament were stalled time and again due to disagreement among the three major political parties of the Constituent Assembly on the issues of division of power, integration of Maoist combatants, the constitutional council, the Security Council and the return of land captured by Maoists during the armed insurgency. Frequent obstructions at the meetings of the Legislature-Parliament also slowed the new constitution drafting process.

Regulations for the Constituent Assembly and for the Legislature-Parliament could not be passed for a long time due to repeated obstructions in the meetings by the Madhesi political parties. The presidents of the committees were not appointed till the end of the year because the political parties could not reach consensus in this regard. Separate regulations were formed for the Constituent Assembly and the Legislature-Parliament as both the bodies have different working procedures. 2008 was not become fruitful for the Constituent Assembly due to the sessions being stalled often, a low turn out ratio of the members, and disagreements among the members who participated in the sessions. However, the constituent assembly raised some hope among the people by publicizing the time table for drafting a new constitution within two years as per the mandate of the constituent assembly.

5. Repetition of the Past

The Legislature-Parliament repeated previous negative parliamentary practices such as low participation, irregularities,

irresponsiveness, misuse of time and performing activities aimed at getting cheap popularity. A low turnout ratio of the members of the parliament has become a major problem in most of the meetings of the Legislature-Parliament. The meeting of the Legislature-Parliament on 4 December was slated to discuss and pass the motion for amending the constitution but the proposal was not submitted due to a low turn out ratio of the members. The approval of 396 members is necessary in order to pass a motion in the constituent assembly. While 410 members signed the attendance sheet the day of the vote, but 33 members left the venue after signing³. 25 political parties were present in the constituent assembly and were in favour of amending the constitution, paving the way for by-election to fill six vacant seats of the Constituent Assembly, the bill could not be passed due to a low turn-out of the lawmakers. The bill passed one week later. Similarly, the meeting of the Legislature-Parliament was often obstructed due to the government's disregard towards abiding by its commitments. Members affiliated with the main opposition party, the NC, the ruling MJF, another party of the Constituent Assembly, Teari Madhesh Democratic Party and independent members continuously boycotted the sessions of the constituent assembly to have their demands fulfilled. Rs 207,900 is being spent each day, including each member's entitlement to Rs 200 as a meeting allowance and Rs 150 as a travel allowance once they sign the attendance sheet⁴. These amounts do not include a monthly remuneration of the members of the Constituent Assembly. None of the members of the constituent assembly would boycott their allowances when the Constituent Assembly could not enter into real business⁵. It was also found that some

3. *ibid*

4. "Bahiskar Gardai Bhatta Khandi." *Naya Patrika* 29 Dec. 2008: 1

5. *ibid*

Parliament Obstructed by two members

Member of the constituent assembly Biswendra Paswan of Dalit Janajati Party and Independent Member of the Constituent Assembly Sadryul Miya Haq obstructed the regular proceeding of the parliament on 3 December demanding full participation of the Muslim members in all the parliamentary committees. Speaking at the session of the Legislature-Parliament, he said that there was no provision of proportional representation in the Constitutional Committee of the constituent assembly. He also expressed reservation over the reduction of the quota for Dalit scholarship in the bill proposed by the Education Minister Renu Kumar Yadav. An independent member of the parliament also chanted slogans along with Haq at the session.

There is no muslim representation in seven committees of the constituent assembly. The Constitutional Committee, The Forming of the Legislative Body Committee, The Natural Resource Committee, The Economic Rights and Distribution of Revenue Committee, The Protection of National Interest, The Public Opinion Collection and Coordination Committee, and The Resource Mobilization Committee do not have any muslim participants. There are 14 Muslim members in the constituent assembly. Five members are from the MJF, four members are from the UML, three members are Maoist, two members are from the NC, one is from the Terai Madhesh Democratic Party, one is from the Rastriya Prajatantra Party and one independent member is muslim.

members go to the assembly just to make attendance. The old act regarding service and facilities of officials in the parliament continues so the members receive the facilities like in the past.

The lawmakers, who always reiterate the slogan that they are making the 'New Nepal', had followed the old tradition of taking the allowance even if they boycotted or obstructed the house session. The lawmakers of the Legislature-Parliament, formed through political consensus before the election of the constituent assembly, also obstructed the house session for some days before the election of the constituent assembly. Similarly, main opposition party UML obstructed the parliament session for 56 days in 2001 demanding resignation of the then Prime Minister Girija Prasad Koirala. In the past, the lawmakers received the allowances during periods of obstruction or boycott as well.

The initial period of the Legislature-Parliament is known as Zero Hour, which is an opportunity for the members of the Legislature-Parliament to draw the

government's attention towards present situation in the country. Members will get time to speak, within a minute, in the alphabetic order, but senior leaders of the party never turn led up during the period. The chairperson of the Constituent Assembly could not cite the name of the leaders speaking at the house session. There is a tradition of using the Zero hour to draw the government's attention towards pressing problems of the country but there is no proper utilization of the time in the Legislature-Parliament. The Zero Hour is taken as an important time in countries which have a parliamentary system⁶. In the past, the time was largely utilized and the government's attention used to be drawn to some serious and important issues.

In the parliamentary system, there is a ruling government and an opposition and the members affiliated with the ruling parties never cover the rostrum obstructing the house session. It is international practice that the opposition encircle the rostrum but the members affiliated with the third largest party of the coalition government, the MJF,

6. "Niras Sunya Samaya." Saturday Supplement, *Annapurna Post* 21 Dec. 2008.

also encircled the rostrum demanding that the scholarship bill submitted by minister Renu Yadav, who represents the MJF in the cabinet, be endorsed. Obstructing the Legislature-Parliament, which is a representative body of the people, is similar to the trend of obstructing the road to make demands heard by the concerned authorities.

The democratic system of the country which is in a primitive phase has to face many upheavals. Jana Morcha Nepal, which was the fourth largest party in the parliament in the first ever parliament after the restoration of democracy in 1990, described the parliament as a 'place to sell dog's meat by showing the head of the goat' and started the armed insurgency from 13 February 1996. The parliamentary system of the country, which was being institutionalized at that time, almost collapsed due to the Maoist insurgency.

6. Betrayal to the People's Expectation

The Legislature-Parliament did not work as per the people's expectation because they sidelined the issues of disappeared citizens, implementation of the directive of the interim Legislature-Parliament to accede the Rome Statute of the International Criminal Court, realize the importance of a Truth and Reconciliation Commission and bill related to women's rights. The issue of disappeared persons during the period of armed conflict was often raised but the issue was never raised at the Legislature-Parliament. Though it was said that the bill on disappearances was prepared, the bill had not been presented at the legislature parliament by the end of the year. The Comprehensive Peace Agreement signed between the government and the Maoists on 20 November 2006 said that both sides, the government and the Maoists, will publicize the whereabouts of all the disappeared within 60 days of signing of the agreement. But the Legislature-

Parliament was not active and therefore could not draw the government's attention in this regard. As per the statistics of INSEC, the fate of 783 people, who were allegedly disappeared by the state, and 105 people, who are believed to be abducted by the Maoists, remains unknown by the end of the year.

Most of the people disappeared at the hand of the state were disappeared for allegedly being a Maoist supporter so their family members were expecting that their whereabouts would be publicized with the formation of a Maoist led government. Unfortunately, the family members' hope were in vain. Members of the Legislature-Parliament stalled the house session for many different issues but the issue of the disappearance was never put on the agenda. In nearly nine-month long tenure of the Legislature-Parliament, the government prepared to submit the Truth and Reconciliation Commission draft bill at the Legislature-Parliament with the objective of investigating the human rights violations that occurred during the Maoist insurgency and to initiate taking action against the perpetrators. However, the bill had not been submitted by the end of the year due to widespread criticism from the civil society about the weaknesses. The government has the mindset to 'Forget the Past Things', but members of the Legislature-Parliament were expected to raise the issue in favour of the bill.

The government did not implement some of the directives of the Legislature-Parliament as it had done the previous year. The Legislature-Parliament has the right to ask why the government did not implement its directives but the Legislature-Parliament did not show any interest in this regard. The Legislature-Parliament last year directed the government to accede to the Rome Statute of the ICC but the government had not acceded to the statute by the end of 2008.

Thousands of people, who were displaced during the armed conflict, could not return to their villages in 2008 and the properties captured by Maoists remained under Maoist control. Prime Minister Pushpa Kamal Dahal expressed commitment at the Legislature-Parliament that compensation will be given for the captured properties and one parliamentary committee will be formed to monitor the return of captured land and to provide compensation⁷. However, NC obstructed the house session often because the government had failed to abide by its commitment. Some leaders of the coalition government also expressed dissatisfaction over some of the commitments expressed by the government. Political disagreement intensified after some leaders of the coalition government said that the commitment expressed by leaders of their own parties could not be implemented.

Women face physical, mental, economic, social, political and sexual discrimination. The Interim Constitution of Nepal, which was promulgated at a time when the country was moving towards becoming a republic, failed to provide justice to women. No policy was formed in 2008 to implement the declaration of the interim legislature parliament to end all forms of discrimination against women. A study on violence against women conducted by INSEC from January to September 2008 concluded that most of the perpetrators involved in women's rights violations enjoyed general impunity⁸. The bill on violence against women presented by the government at the Legislature-Parliament was not endorsed this year. The bill related to violence against women, which constitutes half of the total population, could not be endorsed due to frequent obstructions and boycotts of the members of the constituent

assembly. Women's rights activists who were anticipating that the perpetrators of women's rights violations would be brought to justice after the promulgation of the new law were disappointed.

7. Plan-less Opposition


























In the name of fulfilling the 9-point demand of the main opposition party, the NC, the government tried to hide the illegitimate activities of cadres of ruling political parties and also provided funds from the state treasury to the cadres. Addressing the Legislature-Parliament on 10 November, Prime Minister Dahal said that all the properties captured during the Maoist insurgency will be returned to the rightful owners by 15 December. Prime Minister also said that the government will pay compensation for the properties since mid July 2008 if the properties captured by Maoists were not returned to the rightful owners by the period. The Legislature-Parliament, however, did not address the issue of the misuse of the state treasury, in the name of political consensus. Prime Minister Dahal during the same address of the Legislature-Parliament declared that Rs 1 m each will be provided to all 601 members of the constituent assembly to carry out development activities in their election constituencies. The decision of the government to distribute state treasury money and make the drafting of a new constitution the main agenda received widespread criticism⁹. It is inappropriate to distribute money from the state fund. It is the responsibility of the opposition to check wrong moves of the government but the opposition only observed the immoral and illegal moves. The agreement to distribute Rs 1 m to each member of the constituent assembly, which do not have their own constituencies, paved the way for

7. "Congressdwara Samsad Bahiskar." *Kantipur* 21 Dec. 2008: 1

8. INSEC Press Release. 27 Nov. 2008

9. INSEC Press Release. 14 Nov. 2008

Constituent Assembly Election Results

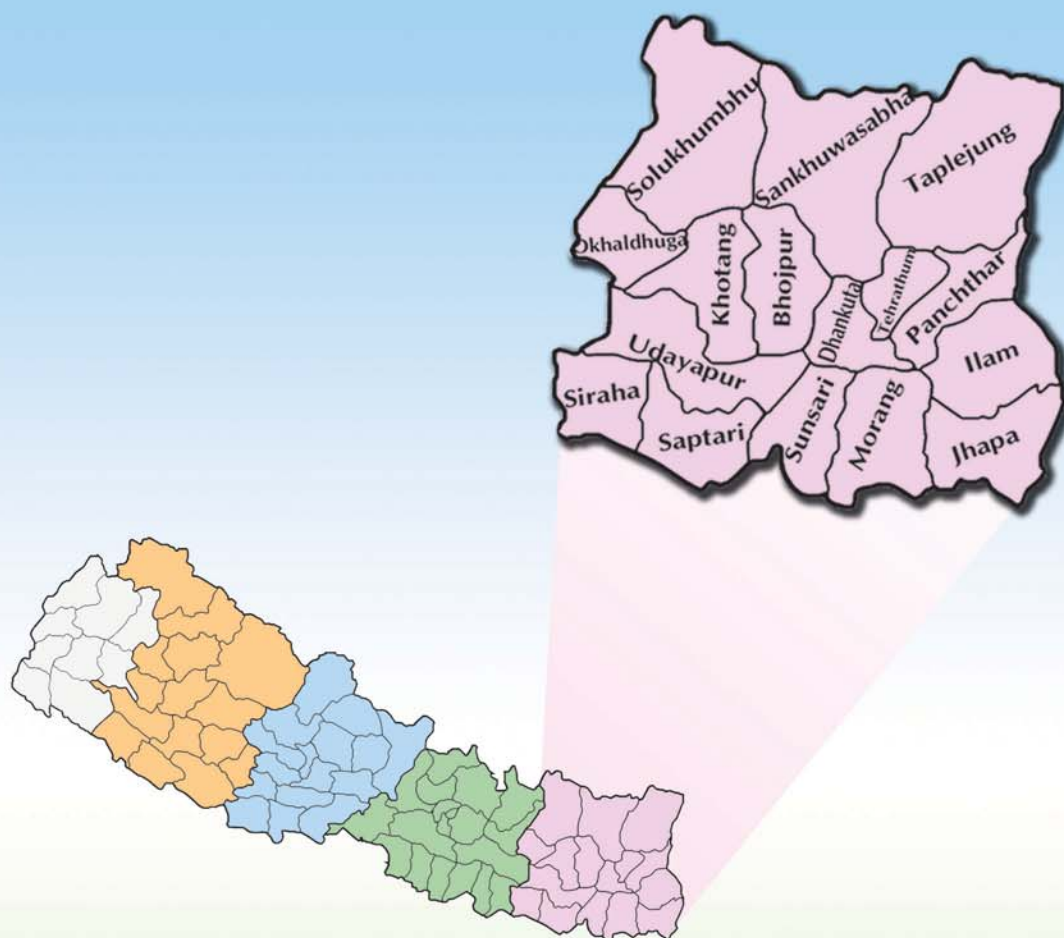
 Maoists FPTP : 120 PR : 100	 NC FPTP : 37 PR : 73	 UML FPTP : 33 PR : 70	 MJF FPTP : 30 PR : 22	 TMDP FPTP : 9 PR : 11
 NSP FPTP : 4 PR : 5	 RPP FPTP : 0 PR : 8	 ML FPTP : 0 PR : 8	 Jan Morcha FPTP : 2 PR : 5	 CPN (Samyukta) FPTP : 0 PR : 5
 RPP (Nepal) FPTP : 0 PR : 4	 RJM FPTP : 1 PR : 3	 NWPP FPTP : 2 PR : 2	 RJP FPTP : 0 PR : 3	 FDNF FPTP : 0 PR : 2
 NSP (A) FPTP : 0 PR : 2	 RJMP FPTP : 0 PR : 2	 NJD FPTP : 0 PR : 2	 CPN (United) FPTP : 0 PR : 2	 DJJP FPTP : 0 PR : 1
 NRP FPTP : 0 PR : 1	 SPJP FPTP : 0 PR : 1	 Churebhawar FPTP : 0 PR : 1	 NPD FPTP : 0 PR : 1	 NLSA FPTP : 0 PR : 1

the passing of the budget in the Legislature-Parliament.

8. Conclusion

The Legislature-Parliament failed to show the right track to the coalition government. The NC opted to play the opposition role following the decision of the Maoists to not accept Congress President Girija Prasad Koirala as President, but the party has failed to elect the leader of its own parliamentary party by the end of the year. Though, discussions were held within the party about the issue, no concrete solution had been sorted out by the end of the year. Girija Prasad Koirala announced that he himself was the leader of the parliamentary party but the party did not send information about the party's leader to the parliament secretariat. A meeting of the Legislature-

Parliament issued a directive order to the government to provide relief to the victims of property loss and to victims of the floods that took place in different parts of the country from mid July to mid September. But the Legislature-Parliament received criticism for not being able to play an active role in other important issues. The Legislature-Parliament should show the right track to the government as per the people's expectations. Apart from drafting a new constitution and forming necessary laws essential for addressing the immediate needs of the government, the activities of the government are ritualistic. Despite various weaknesses, the Legislature-Parliament has played a positive role by setting a time table for the preparation of the new constitution at the stipulated time.



1. EASTERN REGION

- | | |
|---------------|--------------------|
| 1.1 Jhapa | 1.9 Bhojpur |
| 1.2 Ilam | 1.10 Sankhuwasabha |
| 1.3 Panchthar | 1.11 Saptari |
| 1.4 Taplejung | 1.12 Siraha |
| 1.5 Morang | 1.13 Udaypur |
| 1.6 Sunsari | 1.14 Khotang |
| 1.7 Dhankuta | 1.15 Okhaldhunga |
| 1.8 Tehrathum | 1.16 Solukhumbu |

1.1

Jhapa



Population : 773,929

Literacy(%) : 76

Women Literacy(%) : 65

Area(Sq. Km.) : 1,606

Number of VDC(s)/Municipality(ies) : 47/3

Number of School(s) : 576/175

Campus(es)/Higher Secondary School(s) : 14/39

Hospital(s)/Health Post(s) : 7/56

Human Development Index : 0.494

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

The police head constable working at Mahendra Police Club Kathmandu Bishowpati Nemwang, 32, of Jalthal VDC-9 was shot dead by a patrolling police team led by Police Inspector Deepak Gaire of Area Police Office Kankarbhatta on 9 July in Magurmadi jungle of Mechinagar municipality-4 on charge of trying to attack the police team. The police team shot him while carrying out a patrol at Gumbachowk of Magarmudi area of Mechinagar municipality-4. The victim was returning home at Dhulabari from his in-laws' home at Mangalbere of Shantinagar VDC. The District Administration Office formed a

probe panel on 11 July to discover the truth behind the incident following the closure of the district by victims' relatives on 10 and 11 July. The committee submitted its report on the 30th July to the District Administration Office and suggested that a separate fact finding commission be formed to deal with the incident. However such a commission had not been formed by the end of the year.

By Unidentified Group

As many as two persons were killed by unidentified group this year. Hem Kumari Parajuli, 62, of Khudunawari VDC-8 was killed by an unidentified group on 6 December at Jukekhadi community forest. The perpetrators took her belongings and killed her by strangling her neck. Police Inspector Umesh Lamsal informed INSEC that the manhunt is on to nab the culprits but the perpetrators are yet to be identified.

JAIL AND DETAINEES

The "D" grade District Jail has 156 male and 11 female convicts and 135 male and 11 female detainees by the end of this year. There are a total of 315 convicted and detained inmates in Jhapa Jail. The 315 inmates find it difficult to live in the jail which has the capacity to detain only 200 persons. There are two minor dependent boys in the jail along with their parents. The jail has the facilities of a library, sports materials, television and radio. There are 61 foreigners in the Jail, most of them are Bhutanese refugees.

THREATS/BEATINGS

By State

As many as four persons were threatened/beaten by state this year. Pankaj Chahar, 25, of Sanischre VDC-3 was beaten by a team of Armed Police Force on 9 August near APF base camp



Table : 1

Types of Event	By Non-State				By State			
	By Others							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	14	8	6	14	1	1		1
Injured	4	5	1	6				
Arrest & Torture					2	9	3	12
Beatings	2	5		5	3	2	2	4
Women Rights	10		10	10				
Child Rights	12	1	11	12				
Abduction	3	3		3				
Total	45	22	28	50	6	12	5	17

Sanischare after the rickshaw in which the victim was travelling did not give way to the APF's vehicle. Both sides reached an agreement the next day after the Inspector of the APF base camp Sanischare Binod Karki went to the office of Transport Workers Union's Office Birtamod and pledged support for the treatment of the victim and also expressed commitment not to repeat such acts in the future.

RIGHT TO FAIR AND PROMPT TRIAL

36 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 9 cases were decided this year and 27 cases remain undecided. Similarly, 292 criminal cases, where the individual is plaintiff, were filed this year. Of which, 99 cases were decided this year and 193 cases remained undecided. Among the total 328 criminal cases, where the individual is plaintiff, 108 cases were decided this year and 220 cases remained undecided.

57 criminal cases were brought forward from last year in the District Court. Of which, 9 cases were decided this year and 48 cases remained undecided. Similarly, 191 criminal cases were filed this year. Of which, 34 cases were decided and 157 cases remained

undecided. Among the total 248 criminal cases, 43 cases were decided this year and 205 cases remained undecided.

139 civil cases were brought forward from last year in the District Court. Of which, 21 cases were decided this year and 118 cases remained undecided. Similarly, 255 civil cases were filed this year. Of which, 58 cases were decided and 197 cases remained undecided. Among the total 394 civil cases, 79 cases were decided and 315 cases remained undecided by the end of this year.

Among the total 970 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 230 cases were decided and 740 cases remained undecided by the end of this year at the District Court.

One case was brought forward from the last year and two cases filed this year at the Juvenile bench. Of which no cases were decided this year.

CHILD RIGHTS

A 14-year-old girl of Shanischare VDC-6 was raped by Pritam Chaudhary, 30, of the same place on 30 April at her home. Police arrested the perpetrator on the same day and filed a case in the court. The perpetrator was sent to jail on 26

May following the court's order.

Laxman Tamang, 11, of Anarmani VDC-6 was abducted by Jiten Rai, 28, Sukalal Samwahamphe, 25 and Rajbhakta Shrestha, 21 of Mahamai VDC-9 of Ilam district on 18 October from the victim's home. The victim was abducted on charge that his father had been deceiving people by offering them false promise of employment abroad. The victim was freed from Raj Kumar Rai's home at Mahamai VDC-9 of Ilam district on 21 October at the initiation of INSEC district representative, police and Limbuwan cadres. Police arrested the perpetrators and sent to Jhapa jail following the court order of 1 November.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 35-year-old woman of Bhudhabare VDC-9 was raped by Samir Shrestha, 20, of the same place on 23 May at her own home. Police arrested Samir Shrestha on 24 May and he was sent to jail for further investigation. The victim remained in jail by the end of the year.

Domestic Violence

Phoolmaya Satar, 35, of Mechinagar Municipality-13 was killed at her own home by her husband Bhagatlal Satar, 40, on 31 March on charge of having illicit sexual relationship with another man. The victim died instantly when the perpetrator

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Type of Events	By FLSC			By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killings				2	1	1	2
Injured	1	2	2	2	2		2
Beatings	2	5	5				
Women Rights				1		1	1
Child Rights							
Total	3	7	7	5	3	2	5

attacked her using a *Kodalo* (a weapon made of iron). The last rite of the victim was performed on the same day after the post-mortem at the Mechi Zonal Hospital Jhapa. Police filed a case against the perpetrator. The District Court on 26 April ordered that the culprit be detained during the hearing of the case as it was on trial at the District Court.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A Maruti van, registration number Me 1 Ja 538, belonging to Udaya Karki of Mechinagar Municipality-10 was torched by cadres of the Limbuwan State Council (Kumar Lindel Group) on 24 February on the charge of plying the van during the day of a strike called by cadres of the Limbuwan State Council. Limbuwan cadres had stopped and torched the van while it was travelling to Charaali from Chandragadi VDC-3 of Jhapa. Although the victim filed a complaint at the police office on 25 February, the victim had not received any compensation by the end of the year.



1.2

Ilam



Population : 333,960

Literacy(%) : 67

Women Literacy(%) : 40

Area(Sq. Km.) : 1,703

Number of VDC(s)/Municipality(ies) : 48/1

Number of School(s) : 472/38

Campus(es)/Higher Secondary School(s) : 2/11

Hospital(s)/Health Post(s) : 1/48

Human Development Index : 0.521

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail was completely destroyed in a Maoists attack of February 2005. The jail has not been reconstructed since. Before it was destroyed the jail had the capacity to hold 55 inmates. All the convicts and detainees were being kept at the DPO. There are 21 detainees including one female in custody. All detainees including the one female were transferred to Panchthar and Jhapa jail on 1 September following the decision of the jail management department. Two detainees were in police custody in Ilam by the end of the year.

DISAPPEARANCE/ABDUCTION

By KJWP

Teacher of Karphok higher

secondary school Bishnu Bhardwaj, 42, of Panchakanya VDC-8, Employee of Rastiya Banijya Bank branch office Phikkal Manoj Pokharel, 42, of Phikkal VDC-6, Employee of District Post Office Panchkanya Yam Bahadur Chapagai, 43, of Dulari VDC-1 Morang and Prem Raya, 22, of Aaitabare, who were deployed as officials for the election of the constituent assembly at Banjho VDC- 2 Simwaltar, were abducted by the cadres of KJWP on 9 April from the polling centre. The victims were taken to an unidentified location following the abduction. The victim Bishnu Bhardwaj informed INSEC that the perpetrators were mentally tortured the victims at their captivity. The victims were released from Madhumalla area of Morang District on 10 April in the presence of journalist Mitra Bastola. However, the victims came into contact with family members only on 11 April.

By VC Force

As many as three persons were abducted by VC Force this year. Aaita Bahadur Rai, 30, of Banjho VDC-8, Bhim Raj Maden, 23, and Deu Kumar Rai, 24, of the same place were abducted by nearly 15 cadres of VC force, a group formed for the security of the religious place Mansebung of Banjho VDC, on 11 April on charge of working against VC Force. Victims were abducted while discussing the robbery that took place at 22 houses of ward number 6 and 7 of the same VDC on 7 and 8 April. The victims said that the perpetrators inflicted mental torture to victims whilst in their captivity. Of the abducted persons, Aaita Bahadur Rai was released on the same day and other two were released from Larumba area of Banjho VDC on 13 April.

THREATS/BEATINGS

By State

As many as two person were threatened/beaten by State this year. Vice

Table : 1

Types of Event	By Non-State								By State		
	By Others					By Maoists					
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	2		2		2						
Injured	1	2			2						
Arrest & Torture									4	19	19
Beatings	9	12			12				1	2	2
Threats	2	9		110	119	1	1	1			
Racial Discrimination	1		2		2						
Abduction	4	9			9						
Total	19	32	4	110	146	1	1	1	5	21	21

president of Progressive Youth Federation, a fraternal organization of CPN (United Marxist) Som Raj Rai, 24, of Namsaling VDC-8 Ilam, District Committee treasurer of the same organization Santosh Tamang, 24, of Ilam municipality-6 were beaten by a group of Armed Police Force under the command by ASI Rudra Chhetri. The APF had been deployed for security on the day of *bandh* (shutdown strike) called by SLRP on 17 February. The victims were beaten at Narayanstan of Ilam Municipality-2 while they were returning home after a meeting at the party office as it suspected that they were supporting the *bandh*. Protesting the beating cadres of the Federation organized a demonstration in the Chokbazar area of the district. Following the protest programme the police personnel involved into the beating apologized publicly on the same day.

By Maoists

The Principal of Purna Memorial Secondary School of Godak VDC-4 Tej Bahadur Thapa, was threatened by the members of Maoists affiliated All Nepal Teacher's Organization (Revolutionary) Rajendra Chauhan and Dilli Prasad Adhikari on 18 July at the victim's home. The perpetrators warned the victim either

to appoint a person recommended by the Maoists or face physical action. The school has vacancies for the appointment of Nepali and English teachers. The victim was threatened that he should postpone the exam date for the posts slated for 20 July. The victim filed an application at the District Administration Office and Human Rights Forum Ilam demanding security for his life. The victim also informed the District Education Office on the same date. The school appointed both the teachers and sent their names to the District Education Office for approval on 25 August.

BY YCL

As many as three persons were threatened/beaten by YCL this year. UML cadre Chandra Nepal, 27, of Jitpur VDC-9 was beaten by YCL cadres who included Govinda Neupane of Jitpur VDC-5 and Deepak Bhandari of the same place on 27 July at Madibung Village. The perpetrators called on the victim at the village and beat him there. The victims received treatment at the District Hospital in Ilam. Issuing a press statement on the next day, UML demanded action against perpetrators. Both sides reached an agreement on 6 August after the perpetrators agreed to provide medical expenses for the victim.



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By VC Force				By KWP			By YCL			By Unidentified Group		
	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured											1	2	2
Beatings	3	3		3				2	3	3	2	4	4
Threats	2	9	110	119									
Abduction	1	3		3	2	5	5						
Total	6	15	110	125	2	5	5	2	3	3	3	6	6

By NC

District Committee Member of RPP Kul Prasad Upreti, 29, of Sanrumba VDC-5 was given a death threat by NC cadres Parshu Sapkota and Kamal Subedi of Ilam municipality-3 on 5 April for not joining the party. The victim was beaten while they were having discussion about the election of the constituent assembly. The perpetrators also warned the victim that he must join NC. The victim filed an application at Human Rights Forum Ilam on 7 April demanding a fair investigation of case and the initiation of efforts to secure his life.

BY VC Force

As many as 122 persons were threatened/ beaten by VC Force this year. Subash Samba, 27, of Banjho VDC-9 was beaten by nearly 25 cadres of VC force, who were deployed for the security of the religious place Mansebung located at Banjho VDC, on 19 January while the victim was chatting with Mahindra Samba of the same place. The victim, who became unconscious in the beating, was taken to Amda hospital of Jhapa on 20 January for treatment. The victim underwent further treatment at B.P. Koirala Institute of Health Sciences Dharan and the Neuro hospital of Biratnagar. The victim who was displaced following the incident returned to his village on May 2008.

BY Unidentified Group

UML cadres Chandra Thapa, 40, of Chulachuli VDC-8 and Shyam Thapa, 45, of the same place were beaten and issued death threats by an unidentified group on 4 April at the victim's home. The perpetrators also vandalized the houses of the victims in the incident. The victims received treatment at the local health post on the next day.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom and Free and Impartial Election)

Students of Mahendraratna Multiple Campus Ilam Surendra Tumrok, 27, of Shiva VDC-9 Panchthar and Hemanta Baskota, 21, of Mahabhara VDC-1, Jhapa were injured in a clash among Free Student Union and students affiliated with Nepal Progressive Students Forum, ANNISU-R and Nepal Student Union on 3 September. One victim, Surendra Tumroks', suffered a fracture to his right hand in the incident. The victims underwent treatment in Ilam District hospital. The clash took place after Free Student Union, which consists of representatives of ANNFSU had submitted a memorandum to the Campus Administration which did not incorporate the demands of other student unions. Protesting students affiliated with the other three student unions vandalized and set

ablaze chairs and cupboards belonging to the Free Student Union. Police baton-charged to take the situation under control. The students also organized the closure of transportation service and Ilam bazar on the day following the incident.

RIGHT TO PROMPT AND FAIR TRIAL District Court

39 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 35 cases were decided this year and 4 cases remained undecided. Similarly, 41 criminal cases, where the individual is plaintiff, were filed this year. Of which, 8 cases were decided this year and 33 cases remained undecided. Among the total 80 criminal cases, where the individual is plaintiff, 43 cases were decided this year and 37 cases remained undecided.

27 criminal cases were brought forward from the last year in the District Court. Of which, 19 cases were decided this year and 8 cases remained undecided. Similarly, 29 criminal cases were filed this year. Of which, 2 cases were decided and 27 cases remained undecided. Among the total 56 criminal cases, 21 cases were decided this year and 35 cases remained undecided by the end of this year.

82 civil cases were brought forward from the last year in the District Court. Of which, 59 cases were decided this year and 23 cases remained undecided. Similarly, 71 civil cases were filed this year. Of which, 12 cases were decided and 59 cases remained undecided. Among the total 153 civil cases, 71 cases were decided and 82 cases remained undecided by the end of this year.

Among the total 289 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 135 cases decided and 154 cases remained undecided by the end of

this year at the District Court.

One case was brought forward from the last year and was decided at the Juvenile bench this year. No other cases were filed at the Juvenile bench this year.

Appellate Court

35 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court. Of which, 24 cases were decided this year and 11 cases remained undecided. Similarly, 30 criminal cases, where the individual is plaintiff, were filed this year. Of which, 8 cases were decided this year and 22 cases remained undecided. Among the total 65 criminal cases, where the individual is plaintiff, 32 cases were decided this year and 33 cases remained undecided.

152 criminal cases were brought forward from the last year in the Appellate Court. Of which, 117 cases were decided this year and 35 cases remained undecided. Similarly, 172 criminal cases were filed this year. Of which, 48 cases were decided and 124 cases remained undecided. Among the total 324 criminal cases, 165 cases were decided this year and 159 cases remained undecided by the end of this year.

115 civil cases were brought forward from the last year in the Appellate Court. Of which, 76 cases were decided this year and 39 cases remained undecided. Similarly, 108 civil cases were filed this year. Of which, 30 cases were decided and 78 cases remained undecided. Among the total 223 civil cases, 106 cases were decided and 117 cases remained undecided by the end of this year.

Among the total 612 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 303 cases decided and 309 cases remained undecided by the end of this year at the Appellate Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Kumari Gurung, 24, of Shantipur VDC-8 was killed by her husband Ranodip Gurung, 31, who attacked her with a *Khukhuri* (a sharp weapon) on 7 September at home following a minor dispute. The victim who was seriously injured in the incident died on the spot. Police arrested the perpetrator with the help of local people on the same day. Her final rites were performed on 8 September after a post-mortem at the District Hospital. The perpetrator was sent to jail for the trial of the case on 7 August as per the order of District Court.

ALL KINDS OF RACIAL DISCRIMINATION

Other Inhuman Practices Including Untouchability

Khem Maya Siwa, 27, of Sakhejung VDC-7 was barred from performing prayer at the *Puran* (a special prayer) by Sharada Bhudathoki, 38, and Balkrishna Dahal, 80, of same VDC-6 on 3 December at the residence of Dhanendra Bahadur Subedi of ward number 6 of the same VDC as she was a person from a so called lower caste. The victim and her friend Anju Magar, 17, of Sakhejung VDC-7 were compelled to return without performing their prayer. The victim tried to file a complaint against the perpetrators at the DPO on 10 December but the police did not register the case. Both sides reached an agreement on 18 December after the perpetrator apologized for his act and expressed a commitment not to repeat such incidents in the future.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

The office building of Ibhang VDC was partially destroyed when a group of

about 6 cadres of KJWP detonated a bomb at the building on 5 October to protest corruption in the VDC. After the blast the perpetrators also torched the building. Many official documents were completely destroyed in the blast.

1.3 Panchthar



Population : 226,362

Literacy(%) : 56

Women Literacy(%) : 44.5

Area(Sq. Km.) : 1,241

Number of VDC(s)/Municipality(ies) : 41/0

Number of School(s) : 371/13

Campus(es)/Higher Secondary School(s) : 1/10

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.484

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION By Abandoned Bomb

Santabir Chemjong, 28, of Phaktep VDC-7 was injured in the explosion of an abandoned bomb at his home on 11 May. The explosion took place after the victim's sister-in-law Bhimkala Chemjong tried to keep the unidentified object, which was found in the premises of their home, near

Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Killing	2	2			2							
Injured	3	3			3					1	5	5
Beatings	11	24			24	1	2		2	2	2	2
Threats	3	2		4	6							
Women Rights	2		2		2							
Child Rights	3		3		3							
Abduction	2	3			3							
Total	26	34	5	4	43	1	2		2	3	7	7

the fire. The victim's thumb and index finger of his right hand were harmed in the explosion. The victim informed INSEC that the Maoists and then Royal Nepalese Army used to come and sit in the home during the period of Maoists insurgency, so it is likely that the bomb had been left by either of them. The victim returned home on 16 May after receiving treatment at B.P. Koirala Institute of Health Sciences Dharan.

JAIL AND DETAINEES

The "D" grade District Jail has 44 male and three female convicts and 26 male and one female detainees by the end of the year. There are a total of 74 convicted and detained inmates in the Panchthar Jail. Three dependent children are also staying with their mother in the jail. 74 inmates find it difficult to live in the jail which only has the capacity for 25 inmates. Inmates have managed to bring one television set into the jail on their own initiative. Inmates are provided with facilities such as toilet, sport materials and other facilities but inmates have complained that these facilities are not satisfactory. The walls of the jail are in dilapidated condition. The head jailer Renu Prasad Ojha informed INSEC that the jail administration had corresponded

with the relevant department to ensure proper maintenance of the jail.

DISAPPEARANCE/ABDUCTION

BY YCL

As many as three persons were abducted by YCL this year. Chintamani Neupane, 46, of Bharapa VDC-4 and Dhanapati Naupane, 49, of the same place were abducted by YCL cadres led by Gokul Rijal, 40, of Yanganam VDC-2 on October 31 on the charge of being eye witnesses to a land related dispute between Hari Narayan Ghimire, 55, of the same place and Bishnu Ghimire, 60, of ward number 4 of the same VDC. The victims were taken to Yangnam VDC-2 and released after one day. Maoists cadre Rabin Timlsena said that they were taken into their control in order to settle the dispute in the local area.

THREATS/BEATINGS

By Maoists

Chief of Nepal Telecom Panchthar Gokarna Majhi, 43, of Katahari VDC-3, Morang district and an employee of the same office Yogendra Singu, 45, of Panchami VDC-8 were beaten by Maoists cadre Aindra Kerung alias Aakash, 45, of Prangbung VDC-5 on 14 July on charge

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By FLSC			By YCL					By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total
Injured									3	3	3
Beatings				8	15			15	2	7	7
Threats	2	2	2	1			4	4			
Women Rights				1		1		1			
Abduction				2	3			3			
Total	2	2	2	12	18	1	4	23	5	10	10

of not giving him sim-card for his mobile. The victim received chest injury during the beating. The victim had not filed a complaint by the end of the year. Maoists district committee member Laxmi Prakash Naupane said the case had been settled through mutual understanding.

By YCL

As many as 19 persons were threatened/beaten by YCL this year. Bishnu Raj Thamsuhan, 65, of Prانبung VDC-3 and Tenje Tamang, 40, of same VDC-3 were beaten by a group of nine YCL cadres headed by Santa Tamang, 25, of same VDC-4 on 6 April on charge of voting NC. The group had gone to the victims' home with masks on their faces and beaten the victims very badly. One of the victims Bishnu Raj was seriously injured and suffered a deep wound in his leg. The victims were treated at the local Health Post.

Secretary of the UML village committee Narbahadur Gurung, 37, of Chyangthapu VDC-8 along with his wife, two sons and one daughter were displaced from their village on 28 April following death threats from YCL cadres Daulat Begha, 19, and Kamal Bantawa, 26, of the same place on charge of initiating a clash between UML and YCL cadres. Although the victim had filed an application with

at the DAO demanding for security of their life no action was taken against the perpetrators by the end of the year.

By SLRP

Member of Panchthar Chapter of FNJ and correspondent of Gorkhapatra daily Lekhnath Khatiwada, 30, of Nagina VDC-4 was given death threats by the cadres of SLRP on 18 June on charge of writing news about an extortion racket run by cadres of SLRP by placing barriers on the road. SLRP cadres called the victim from the CDMA number (024-690135) and threatened to kill him. SLRP cadres used to collect donations from vehicles at Phidim VDC-9. Secretary of SLRP Kamal Raj Nemwang, 28, of Phidim VDC-2, Samir Nemwang of same VDC-3 and Sanjeev Nemwang, 26, of Phidim VDC-1 had threatened the victim on 17 June warning him not to write about the extortion. There was a dispute between SLRP and journalists. FNJ Panchthar Chapter issued a press statement on 19 June condemning the incident and demanding press freedom. A meeting of SLRP, Human Rights activists and Journalists reached an agreement on 25 June to search the persons who had threatened the victim, punish them and demonstrate a respect for human rights and press freedom.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

UML candidate of constituency number 2 for the election of the Constituent Assembly Dambar Singh Samwahamphe, 40, of Ranigaun VDC-6 was stopped from organizing publicity programme by the cadres of SLRP, Gajendra Lawati, 22, Ganga Papoha Lawati, 22, and Sandeep Lawati of Lumphabung VDC-2 on 2 March at Lumphabung VDC-2, Kaphalbot. The victim was also barred from entering into the village for the election campaign. SLRP cadres carrying domestic weapons threatened the victim warning that he will be responsible for any untoward incidents that might occur during the programme.

RIGHT TO PROMPT AND FAIR TRIAL District Court Panchthar

43 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 16 cases were decided this year and 27 cases remained undecided. Similarly, 29 criminal cases, where the individual is plaintiff, were filed this year. Of which, three cases were decided this year and 26 cases remained undecided. Among the total 72 criminal cases, where the individual is plaintiff, 19 cases were decided this year and 53 cases remained undecided.

15 criminal cases were brought forward from the last year in the District Court. Of which, four cases were decided this year and 11 cases remained undecided. Similarly, 13 criminal cases were filed this year. Of which, two cases were decided and 11 cases remained undecided. Among the total 28 criminal cases, 6 cases were decided this year and 35 cases remained undecided by the end of this year.

20 civil cases were brought forward from the last year in the District Court. Of

which, 11 cases were decided this year and nine cases remained undecided. Similarly, 28 civil cases were filed this year. Of which, One case was decided and 27 cases remained undecided. Among the total 48 civil cases, 12 cases were decided and 31 cases remained undecided by the end of this year.

Among the total 148 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 37 cases decided and 111 cases remained undecided by the end of this year at the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

By State

Ambika Nepali, 28, of Ranigaun VDC-9 was arrested by Sub Inspector of Police Post situated at Yasok VDC Lokendra Diyali, 39, on 28 August on charge of polygamy. Police had beaten him with pipe on knee. The victim received treatment at the District Hospital Panchthar. Ambika married with Pabitra Pariyar, wife of Kamal Pariyar of the same place, on 27 August. The victim said his first wife had a problem with her uterus and she had suggested that he have a second marriage. Although DSP Tarani Prasad Lamsal assured that he would take action against police personnel involved in the incident no action had been taken by the end of this year.

CHILD RIGHTS

Minso Suhang, 7, of Subha VDC-9 was killed by the victim's uncle Bhupal Suhan, 19, at the victim's home on 12 December following a minor dispute. The victim's family filed a complaint at the DPO on 13 December. Police arrested the perpetrator from his in-laws home of Nawamidanda VDC-4 on 24 December and sent to him to jail for further



investigation as the case is on trial at the District Court.

A 14-year-old girl of a so called lower caste Dalit family of Thechembu VDC-3 Taplegunj was raped by Ramesh Rana, 20, of Amarpur VDC-2 on 9 July at Chileunedanda area. The victim was raped while she was returning from her maternal uncle's home in Amarpur VDC-1 Panchthar. According to an eye-witness the perpetrator had beaten a person who was accompanying the girl and raped her. Acting upon an oral complaint made by the victim police arrested the perpetrator on the same day. The victim was sent to District Jail for further investigation as the case is in trial

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 26-year-old woman of Bharapa VDC-2 was raped by YCL cadre Durga Ghimire, 24, of same VDC-3 at her home on 18 October. The victim filed a complaint against the perpetrator on 18 October at Jorpokharee police post but no action was taken until 24 October. Police arrested the perpetrator and started the investigation only on 25 October following protests from Jorpokharee mother organization. A meeting among civil society members, the police, the victim and the perpetrator on 26 October reached an agreement to provide 30 thousand rupees to the victim. Maoists district committee member Laxmi Naupane informed INSEC that the case was settled after providing 30 thousand rupees to the victim.

Domestic violence

Radhika Paudyal Bishwokarma, 30, of Bharap VDC-8 was beaten by her mother-in-law Manamaya Bishwokarma, 54, at her own home on 7 November for being from a different caste to the family.

Deu Kumar Bishwokarma married the victim, who became his fifth wife, on 7 December 2005. The victim left the home following the beating. Police arrested Manamaya following the complaint filed by victim on 8 November. The police released Manamaya following an agreement to search for the daughter-in-law within 10 days. The victim had not returned to her home by the end of the year.

1.4 Taplejung



Population : 147,601

Literacy(%) : 53

Women Literacy(%) : 42

Area(Sq. Km.) : 3,646

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 283/5

Campus(es)/Higher Secondary School(s) : 1/8

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.467

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By UML

District Committee Member and Area Number 11 in-charge of Maoists Laxmi Wanem, 51, of Dhungesanghu

Table : 1

Types of Event	By Non-State							
	By Others					By Maoists		
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total
Killing	4	3	2		5			
Injured	2	2			2			
Beatings	2	4			4	1	1	1
Threats	5	6			6			
Racial Discrimination	1	1	1		2			
Women Rights	3		3		3			
Child Rights	4	1	5	150	156	5	5	5
Economic, Social and Cultural Rights	1	1			1	2	2	2
Abduction						1	3	3
Total	22	18	11	150	179	9	11	11

VDC-2 was killed by a cadre of CPN UML Rajan Thatlang of same VDC-3 on 15 September at same VDC-3, Tellabun. The victim was hacked to death by the perpetrator following a minor dispute about a personal issue. A police team of DPO arrested 20 people on 17 August for their alleged involvement in the incident. The victim's family filed a complaint against 20 people at the DPO. Rajan was sent to jail for further incidents, while Ram Prasad Subedi, Dilli Ghimire and Dambar Chobang were released after submitting 10 thousand rupees bail. Similarly, other 16 persons were released on the condition of presenting themselves as per the summons. Issuing a press statement on 16 September the Maoist District Committee demanded action against perpetrators and organized closure of educational institutions, factories and transportation services on the day.

JAIL AND DETAINEES

The "C" grade District Jail has the capacity to detain only 25 inmates. There were 18 convicts and 40 detainees at the end of the year. Inmates were bound to

sleep in cold floor due to the scarcity of sleeping beds in the jail. There is only one toilet for all the inmates. The inmates are provided with the facilities of a caromboard as sports material. The jail is in a dilapidated condition as it is an old jail. Although inmates are allowed to read the newspaper there is no access to any other reading materials. The inmates are provided with the health facilities as rendered in the District Hospital. Since there are no separate rooms for the women inmates, they are sent to Panchthar or Biratnagar. From last year, the jail administration has provided telephone access to the inmates inside the jail. The inmates are allowed to meet with their relatives twice a week. Due to the lack of separate room in jail Nanda Maya Limbu, 34, of Sanghu VDC-9, who was convicted of the murder of her father, was kept in a passage of the building from 28 August. Inspector Nabin Rai said she is going to be transferred soon as it was extremely problematic to provide round the clock duty. He added that although women inmates are generally sent to other jails she was kept there as her health condition is weak.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By UML			By FLSC					By Youth Force		
	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	M/F N/A	Total
Killing	1	1	1								
Injured	1	1	1								
Beatings				1	2			2			
Threats				2	2			2			
Child Rights	1	1	1	2		1	100	101	1	50	50
Economic, Social and Cultural Rights				1	1			1			
Total	3	3	3	6	5	1	100	106	1	50	50

DISAPPEARANCE/ABDUCTION**By Maoists**

UML Cadres Homnath Bhattarai, 43, of Handewa VDC-4, Bishnu Khatiwada, 35, of the same place and cadre of NC Kasang Sherpa of same place were abducted while they were on their way to cast their votes in the election of the constituent assembly on 10 April. The victims were freed on that same day from Handewa VDC-4, Chautara when NC, UML, members of civil society, human rights activists and journalists criticized the Maoist's violation of the voting rights of the victims.

threatened/beaten by YCL this year. A teacher at Maiwakhola Secondary School Jhanalal Tembe, 42, of Dhungesanghu VDC-8 and Arjun Bhattarai of the same place were threatened that they would be killed by YCL cadres at victims' home on 31 August for working against the Maoists. The victims moved to district headquarters on the same night following the threats. Regular studies at the school were affected because the teachers had moved to the District headquarter to ensure their security. The teachers were rehabilitated to their village following an agreement between both sides on 7 September.

THREATS/BEATINGS**BY Maoists**

UML cadre Ram Baral, 45, of Phunling VDC-2 was beaten by Maoist cadres Rudra Thebe of Phunling VDC-4 and Surendra Palung of Dokhu VDC-9 on 15 March at his home after a dispute. The victim received treatment at the District Hospital with the help of local villagers. Both sides reached an agreement on 25 March after the perpetrators agreed to provide medical expenses to the victim and expressed their regret for the mistake.

BY UML

YCL cadre Sanjiv Menyangbo, 23, of Thechambu VDC-5 was attacked by a sharp weapon by UML cadres Mukesh Menyangbo, 27, and Ramesh Limbu, 22, of the same place, Shiva Menyangbo of ward number three of the same VDC on 25 March at Purnedanda area of ward number 4 of the same VDC. Mukesh, Ramesh and Shiva Menyangbo were arrested by police after three days for their alleged involvement in the case. Police filed the attempt to murder case against the three arrested persons and another UML cadre Chandra Menyangbo. Of the arrested three persons Mukesh was released after

By YCL

As many as four persons were



submitting 10 thousand rupees bail while the other two were released on bail. The case is on trial at the District Court by the end of the year.

By Unidentified Group

Teacher Ramesh Tamang, 40, of Handewa VDC-1 was given death threats by a group of 5 unidentified armed persons on 24 August at his home.

The perpetrators warned that they would kill the victim if he failed to provide 50 thousands rupees to them within three days. The victim was displaced to the District Headquarters after receiving the threat. The victim was returned to his home on 25 September.

RIGHT TO PROMPT AND FAIR TRIAL

28 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 4 cases were decided this year and 24 cases remained undecided. Similarly, 48 criminal cases, where the individual is plaintiff, were filed this year. Of which, 14 cases were decided this year and 34 cases remained undecided. Among the total 76 criminal cases, where the individual is plaintiff, 18 cases were decided this year and 58 cases remained undecided.

Two criminal cases were brought forward from the last year in the District Court. Of which, no case was decided this year. Similarly, 34 criminal cases were filed this year. Of which, 5 cases were decided and 29 cases remained undecided. Among the total 36 criminal cases, 31 cases were decided this year and 205 cases remained undecided.

10 civil cases were brought forward from the last year in the District Court. Of

Table : 3

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By YCL			By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing				1		1	1
Injured	1	1	1				
Beatings	1	2	2				
Threats	1	2	2	2	2		2
Child Rights							
Economic, Social and Cultural Rights							
Total	3	5	5	3	2	1	3

which, one case was decided this year and nine cases remained undecided. Similarly, 105 civil cases were filed this year. Of which, 14 cases were decided and 91 cases remained undecided. Among the total 115 civil cases, 15 cases were decided and 100 cases remained undecided by the end of this year.

Among the total 227 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 38 cases were decided and 189 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

10 children including Shantiram Dahal, 15, of Handewa VDC-6 and Taman Khatiwada, 15, of the same place were used by UML on 12 September for a District level convention of the party. Similarly Maoists used more than 50 children in constituent assembly election and Limbuwan used more than 30 children on their mission to strike the Fungling Bazar.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Indira Gautam, 52, of Sanghu VDC-4 was killed by her husband Krishna



Prasad Gautam on 6 May at her home. The victim was beaten to death by her husband while she was sleeping at night. Police found the dead body at the farm near her home with the help of local villagers on 8 May. The final rite of the dead body was performed after post mortem at the district hospital on 10 May. The victim's relatives filed a case against Krishna Prasad Gautam at DPO.

Rape, Attempt to Rape, Inhuman Behavior

Jaya Prakash Liwang, 22, of Sinam-5, Buddhiram Darjee, 25, Bijaya Thebe, 23, and Sagar Limbu of Sinam VDC-4 attempted to rape four girls of Sinam Higher Secondary School of the same VDC on 6 January while the girls were returning home from school. The victims were able to run away when other people came to the area. Police arrested Bijaya Thebe, Buddhiraj Darjee and Jayaprakash Liwang and filed a case on 14 January and sent those perpetrators to jail for further investigation. Sagar remains at large by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Extortion

By SLRP

SLRP cadres forcefully took illegal donations from all the vehicles heading towards Fungling bazaar, the district headquarters of Taplejung district from Kabeli area of Panchthar district. SLRP cadres forcibly stopped the vehicle of local businessmen including Laxmi Kafle and Khagendra Shrestha and took money from them for two months from 11 January onwards. They forced the vehicle owners to write 'Limbuwan State' on each of their vehicles and asked them to pay 500 rupees fine if they failed to abide by their directive. They warned of stern action if any of the businessmen failed to abide by

their directives. Following protests from local entrepreneurs, SLRP Cadres stopped collecting forceful donations following a meeting among business persons, civil society members and cadres of SLRP at the DAO.



1.5 Morang



Population : 1,005,930

Literacy(%) : 57

Women Literacy(%) : 47

Area(Sq. Km.) : 1,855

Number of VDC(s)/Municipality(ies) : 65/1

Number of School(s) : 723/93

Campus(es)/Higher Secondary School(s) : 75/40

Hospital(s)/Health Post(s) : 15/55

Human Development Index : 0.531

Average Household Size : 5.48

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By NDA

As Many as three persons were killed by Nepal Defence Army this year. Phiroj Khan, 31, of Biratnagar sub metropolis-7 and Parwej Aalam Iraki, 37, of the same place were killed by a bomb explosion carried out by the Nepal Defence Army

Table : 1

Types of Event	By Non-State								By State			
	By Others				By Maoists							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	30	25	7	32								
Injured	20	31	4	35					1		1	1
Beatings	8	17	1	18	3	14	1	15	6	30	2	32
Threats	5	14	1	15	1	1		1				
Right to Assembly									3	12	1	13
Racial Discrimination	1		1	1								
Women Rights	15		15	15								
Child Rights	7		7	7								
Economic, Social and Cultural Rights	6	8		8	2	3		3				
Abduction	12	24	1	25	1	1		1				
Total	104	119	37	156	7	19	1	20	10	42	4	46

at Jame Mosque located at Biratnagar sub metropolis-7 on 29 March. The injured victims died on 30 June while undergoing treatment at B.P. Koirala Institute of Health Sciences Dharan. Khursid Aalam Ansari, 35, of the same place and Mohamad Asib, 32, of ward No 13 were seriously injured in the same incident. Mohamad was treated at Koshi Zonal Hospital Biratnagar. Victims were reading Namaj in the Mosque during the time of the explosion. Although the government decided to provide Rs 100,000 compensation to each of the victims' family, they had not received any of the amount by the end of the year.

BY YCL

Torna Ale Magar, 22, of Itahara VDC-1, was seriously injured in a clash between the village leader of YCL Shibanarayan Dhimal alias Santosh, 40 of same VDC-3, YCL cadres Girish Satar, 40, Murjun Satar, 52, Gopal Satar, 17, and Dhaniram Satar, 16 of the same place on 14 April following a dispute over the snatching of the feather of a peacock from the perpetrators. The victim died on 16 April while undergoing treatment at Silgudi of India. The dead body was handed over

to the family after a post-mortem at the primary health post of Urlabari VDC-6 Mangabare on the same day.

Police arrested YCL village leader of Itahara VDC Santosh Giri, Murjun Satar, Gopal Satar and Dhaniram satar on 9 May. Santosh Giri and Murjun Satar were kept in police custody. Gopal Satar was released on the same day on bail and Dhaniram Satar was sent to child reform centre in Kathmandu after depositing five thousand rupees bail on 9 May as per the decision of the District Court. However, the government withdrew the case on 27 October while taking back the cases registered against Maoist cadres during the period of Maoists insurgency. However the perpetrators were not released by the end of the year.

By Unidentified Group

As many as 11 persons were killed by Unidentified Group this year. Student at Sajilal Higher Secondary School Manoj Rai, 20, of Dulari VDC-1 was killed by a group of five unidentified persons who attacked him with a sharp weapon and a stone on 27 April while at Indrapur VDC-3 for tearing up the list of students sitting an



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	BY SLMM				By MJF			By NDA				By FLSC		
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing								1	3		3			
Injured								3	6	1	7	1	2	2
Beatings	1	5	1	6	2	2	2							
Threats	1	1		1										
Economic, Social and Cultural Rights												1	2	2
Abduction								1	1		1			
Total	2	6	1	7	2	2	2	5	10	1	11	2	4	4

exam. The victim was attacked while he went to appear at the oral exam for English at Sukuna Secondary School. Police could not identify the perpetrators by the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Nepal Defence Army

As many as seven persons were injured in shooting/explosion by Nepal Defence Army this year. Durga Lama, 48, of Duhabi VDC-4 Sunsari was shot and injured by cadres of Nepal Defence Army at Ghina Ghat of Baijanathapur VDC on 2 June on the charge of extorting money in the name of Nepal Defence Army. Tribhuwan Yadhav, who identified to himself as Sunsari district leader of the group had claimed responsibility for the incident by calling local journalists on the same day. The victim underwent treatment at Koshi Zonal hospital and then was referred to B. P. Koirala Institute of Health Sciences Dharan.

By Unidentified Group

As many as 20 persons were injured in shooting/explosion by Unidentified group this year. Nilam Singh, 30, of Amardaha VDC-2 was shot and injured by a group of four unknown persons on

19 December at his shop. The victim was urged to open the shop by the perpetrators who shot him while he was trying to give them goods. The victim received treatment at B.P. Koirala Academy for Health Sciences Dharan.

By Abandoned Bomb

Rupchandra Mahato, 10, and Mamata Mahato 10, of Biratnagar municipality-18 were injured in the explosion of an abandoned Sutali bomb on 4 April. According to the Area Police Office Rani, the bomb went off when victims were trying to play with an unidentified object which they found in nearby area of their home. The victims returned home on the same day after receiving treatment at Kosi Zonal Hospital.

JAIL AND DETAINEES

The "B" grade District Jail has 578 male and 46 female convicts and 412 male and 28 female detainees by the end of the year. There are eight dependent children in the jail. There are a total of 1064 detained inmates in the District Jail. However the jail has the capacity to detain only 300 inmates. The inmates find it difficult to live in the jail as it is extremely over-crowded. The jail is in a dilapidated condition.

There is a scarcity of water and toilet facilities. Jailer Chet Raj Baral held limited budget allocated by the government responsible for poor treatment the inmates receive.

Four detainees died in the District Jail this year due to lack of proper treatment facilities. Shukraf Rai, 38, of Baksila VDC-9, Khotang District died at Morang jail on 9 June due to the lack of treatment. He was suffering from a heart disease. He was detained at the jail on a murder charge. He was admitted to the local hospital due to the limited budget allocated by government admitted jailer Chet Raj Baral. Inmates Raj Kumar Dangal, 27, of Ithari VDC-2 died on 4 January, Manoj Karki, 22, of Biratnagar sub-metropolis-12 died on 2 August and Santaman Rai, 21, of Damak Municipality-2 died on 23 September due to lack of treatment facilities.

DISAPPEARANCE/ABDUCTION

By Maoists

Dhurba Giri of Dangihat VDC-9, Kakum was abducted by a group of Maoists cadres led by Dhurba Mahat on 11 February while attending a marriage ceremony on the charge of cheating people by claiming he could find them employment abroad. The victim was freed on the next day after taking 80 thousand rupees and making an agreement to pay extra 50 thousand rupees in the future.

By YCL

As many as 18 persons were abducted by YCL this year. Kaluman

Table : 3

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By Youth Force			By YCL			By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing				1	1	1	11	10	1	11
Injured	1	1	1	1	4	4	13	17	3	20
Beatings	1	2	2	2	4	4				
Threats				1	10	10				
Economic, Social and Cultural Rights	3	3	3	2	3	3				
Abduction				4	18	18	5	5		5
Total	5	6	6	11	40	40	29	32	4	36

Limbu, 40, of Pathari VDC-1, Santos Rai, 39, and Malu Rai, 37, of the same place were beaten after being abducted from Pathari Bazaar by a group of YCL cadres on 5 December on the charge of throwing stones at the Maoists office and beating Maoists cadres. Among the victims, Santosh, who received serious injuries to his head and right hand, was treated at Silgudi of India while Kaluman and Malu received treatment at Aamda hospital of Jhapa and Morang hospital respectively. Although the victims filed a case against the perpetrators at a local police post on 11 December, no action was taken against the perpetrators by the end of the year.

By NDA

Nepal Bikas Party candidate of constituency-3 in the election of the constituent assembly Hari Kumar Basnet of Biratnagar sub metropolis-15 was abducted by cadres of the Nepal Defence Army on March 14 from ward number 4 of the sub-metropolis. The victim was released from the same place in the presence of his brother Dipendra Basnet on 16 March. RP Mainali, who identified himself as a commander of Nepal Defence Army claimed responsibility for the incident.

By Unidentified Group

As many as five persons were abducted by Unidentified Group this year. Ganesh Basnet, 50, of Letang VDC-2 was abducted by a group of unknown persons from Charkoshe jungle near Letang-Kanepokhari road on 28 February. The victim was found in an injured condition in the same jungle next day. The cause of the abduction remained unknown by the end of the year.

THREATS/BEATINGS

By State

As many as 32 persons were threatened/beaten by the State this year. Shreechan Bhagat, 42, of Biratnagar sub metropolis-15, Sanjay Sah, 25, of ward number 11 of the same metropolis, Mohamed Rahim, 20, of ward number 14 of the same metropolis and Rajesh Singh, 28, of ward number 14 of the same metropolis were injured by stones hurled by police on 19 February during a anti-government demonstration organized by MJF and Loktantrik Madhesi Morcha. The victims received treatment at Koshi Zonal Hospital. Although, the victims filed a case detailing the incident at the DPO no action was taken against the perpetrators.

Cadres of MJF Sanjaya Yadav, 22, Bhimsen Yadav, 35, of Budhanagar VDC-6, Iswnanda Datt, 24, and Mahananda Yadav, 40, of Biratnagar sub metropolis-18 were injured in a police baton-charge at Main Road in front of the DPO on 17 February. The victims had gone to the DPO to welcome their cadres who were being released from custody. The victims were returned home on the same day after treatment at Koshi Zonal hospital.

By Maoists

As many as 16 persons were threatened/beaten by Maoist this year. Karna Singh (Mukhiya), 24, of Dayaniya

VDC-1 and Dipendra Singh, 25, of same place were beaten by Maoists former leader of Jhurkiya VDC, Manoj Sharma, 30, and Jiwan Tajpuriya of same VDC-5 at Jhurkiya VDC on 23 December. The victims were beaten while they were on their way to a fair for allegedly suppressing local villagers while in the capacity of leader of the village. The victims received treatment at the local health post of Dayaniya VDC. Although the victims filed a complaint against the perpetrators at Jhurkiya police post, no action was taken against them.

Youth Force

As many as two persons were threatened/beaten by Youth Force this year. YCL regional member Bidrohi Sarkar, 24, of Patharee VDC-1 was beaten with a sharp weapon by Youth Force cadres at Pathari VDC-1 Sunakharee Chowk on 5 December. The victim was beaten on the head by a sharp weapon. The victim was referred to Kathmandu after receiving primary treatment at Birat Nursing home. Although the victim had demanded that action be taken against the perpetrators he had not filed a complaint by the end of the year.

By SLRP

Dambar Ban of Bhadrapur municipality-4 Jhapa and Hari Koirala of Biratnagar municipality-5 were injured when cadres of SLRP attacked a bus in which the victims were traveling on 5 February. The perpetrators hurled stones targeting the bus with registration number Ko 1 Kha 2273 at Jaya Chowk of Pathari VDC because its driver and passengers were defying the *bandh* (Shutdown Strike) called by SLRP. The victims received treatment at a local health post

By JTMM-G

Durga Bahadur Dahal, 29, of

Biratnagar sub-metropolis-7 was threatened by cadres of JTMM-G to give Rs 1.1 million rupee donation to them on 19 February. The victim, who was running a shop in the area, was threatened that he must leave the shop or face dire consequences. The victim was displaced to the District Headquarters on 19 February following the threats. The victim was rehabilitated at the initiation of District Administration Office on 30 March.

By MJF

A photo-journalist of Kantipur TV Shambhu Pokharel of Biratnagar sub-metropolis-11 was beaten by cadres of MJF at Mahabir Road of ward No 14 of the same sub-metropolis on 19 February. The victim's camera was also thrown away by the same group. The victim had gone there to collect information about the demonstration of MJF. The victim did not file a complaint with police due to security reasons.

RIGHT TO PROMPT AND FAIR TRIAL District Court Morang

316 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 82 cases were decided this year and 234 cases remained undecided. Similarly, 161 criminal cases, where the individual is plaintiff, were filed this year. Of which, 29 cases were decided this year and 132 cases remained undecided. Among the total 477 criminal cases, where the individual is plaintiff, 111 cases were decided this year and 366 cases remained undecided.

253 criminal cases were brought forward from the last year in the District Court. Of which, 44 cases were decided this year and 209 cases remained undecided. Similarly, 105 criminal cases were filed this year. Of which, seven cases

were decided and 98 cases remained undecided. Among the total 358 criminal cases, 51 cases were decided this year and 307 cases remained undecided by the end of this year.

523 civil cases were brought forward from the last year in the District Court. Of which, 148 cases were decided this year and 375 cases remained undecided. Similarly, 264 civil cases were filed this year. Of which, 14 cases were decided and 250 cases remained undecided. Among the total 787 civil cases, 162 cases were decided and 625 cases remained undecided by the end of this year.

Among the total 1622 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 324 cases decided and 1298 cases remained undecided by the end of this year at the District Court.

11 cases were filed this year at the Juvenile bench. Of which two cases were decided this year and 9 cases remained undecided by the end of the year.

Appellate Court Biratnagar

84 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court. Of which, 20 cases were decided this year and 64 cases remained undecided. Similarly, 16 criminal cases, where the individual is plaintiff, were filed this year. Of which, eight cases were decided this year and 8 cases remained undecided. Among the total 100 criminal cases, where the individual is plaintiff, 28 cases were decided this year and 72 cases remained undecided.

137 criminal cases were brought forward from the last year in the Appellate Court. Of which, 30 cases were decided this year and 107 cases remained undecided. Similarly, 101 criminal cases

were filed this year. Of which, 16 cases were decided and 85 cases remained undecided. Among the total 238 criminal cases, 46 cases were decided this year and 192 cases remained undecided by the end of this year.

519 civil cases were brought forward from the last year in the Appellate Court. Of which, 100 cases were decided this year and 419 cases remained undecided. Similarly, 172 civil cases were filed this year. Of which, 46 cases were decided and 126 cases remained undecided. Among the total 691 civil cases, 146 cases were decided and 545 cases remained undecided by the end of this year.

Among the total 1029 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 220 cases were decided and 809 cases remained undecided by the end of this year at the Appellate court.

CHILD RIGHTS

A 13-Year-old girl of Sundarpur VDC-6 was gang-raped by Bibi Tamang, 25, Ram Tamang, 26, Gambe Tamang, 26, on 30 June as the victim went to collect firewood in a nearby jungle. The victim's health check up was conducted at Koshi Zonal Hospital Biratnagar. The victim's relatives filed a complaint against the perpetrators at the Area Police Office Belbaree on 5 February. The perpetrators remain at large by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Padam Kumari Chauhan, 55, of Pathari VDC-5 was killed by her step-brother Rewat Chauhan, 40, on 10 January after he attacked her with a sharp weapon following a minor family dispute. The victim, who was seriously injured in the attack, died while undergoing treatment

at B.P. Koirala Institute of Health Sciences Dharan on the same night. A post-mortem of the dead body was performed at the same hospital. Police arrested the perpetrator who was sent to Morang jail on 9 February.

Punam Kumari Gupta, 28, of Biratnagar sub-metropolis-7 was beaten by her husband Rajkumar Gupta, brother-in-law Om Gupta and Kamal Gupta on 9 June after giving birth to two daughters. The victim received treatment at Birat Nurshing home. She sustained a head injury. The victim's brother Rajkumar Miya filed a complaint at DPO on 11 June and the perpetrators were arrested on 13 June. The perpetrator was released on the same day after reaching an agreement not to beat her again.

ALL KINDS OF RACIAL DISCRIMINATION

Bishnumaya Dhami, 42, of Letang VDC-8 was beaten by her neighbour Narayan Kshetri for touching water from a tap on 28 June. The victim received treatment at a local clinic. Police arrested the perpetrator as per the complaint filed by the victim at the APO Letang on 29 June. The perpetrator was released on the same day after he agreed to bear the medical expenses of the victim.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By Maoists

Maoists cadres captured some 3 *bigahas* of land belonging to the Chief Justice of the Appellate Court Kaski Rishiraj Joshi of Biratnagar sub metropolis-1 on 16 July after he did not vote for the Maoists Party and did not give a tenant's share. The land was rented by former VDC president UML cadre Narayan Khatiwada of Thalaha VDC-7. Although the victim filed a complaint at the DPO on 18 July no action was taken against the perpetrators.

By YCL

A group of YCL cadres led by Bijaya Kamat captured some 7 *bigaha* of land belonging to Praksah Koirala of Biratnagar sub metropolis-15 on 18 May. According to YCL cadre Kamat the land was to be distributed to the landless people. YCL cadres placed their party's flag on Koirala's land claiming it as their own. The victim informed the DAO.

By Youth Force

A group of Youth Force cadres led by District President Parshu Basnet captured one truckload of fertilizer belonging to Suresh Sah of Biratnagar sub metropolis-15 on 3 September because he allegedly did not pay tax to the government. The fertilizer was handed over to the Ward Police Office on the same day. The victim filed complaint at the ward police office demanding return of the captured fertilizer and punishment of the perpetrator.

By Limbuwan Volunteers

A group of Limbuwan Volunteers, a sister organization of SLRP led by Milan Limbu, captured 10 boxes of cooking oil and some 17 sacks of fertilizer belonging to Anilkumar Das, 45, of Gobindapur VDC-8 and Udas Miya, 43, of Amardaha VDC-1 respectively from Pathari VDC-1, Pathari Bazar on 5 September because they allegedly had not paid tax to the government. The captured goods were handed over to the DPO. Police returned the goods to the victims on 7 September.

By SLRP

A motorbike belonging to Tej Bahadur Budhathoki of Shanishare VDC-2, with registration number KO 2 PA 5607, was set ablaze by cadres of SLRP on 3 February at Utlabaree VDC-6 for defying the strike called by SLRP Cadres. The perpetrators had called an indefinite *bandh* to push for fulfilment of their various demands.

By Unidentified Group

A building of Pathari VDC located at Pathari Bazar was partially destroyed when an unidentified group detonated a pressure cooker bomb at the building on 26 March. Official documents and furniture were damaged in the incident. Sub-staff of the office Surya Prasad Mishra was in the room at the time the blast occurred. A leaflet of the Unified Rastriya Morcha was found at the incident site.

1.6

Sunsari



Population : 1,068,166

Literacy(%) : 46

Women Literacy(%) : 31

Area(Sq. Km.) : 1,257

Number of VDC(s)/Municipality(ies) : 49/3

Number of School(s) : 445/53

Campus(es)/Higher Secondary School(s) : 11/24

Hospital(s)/Health Post(s) : 3/57

Human Development Index : 0.5

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Maoists village committee member Mohamad Idris Miya alias Biskut, 32, of

Table : 1

Types of Event	By Non-State							By State		
	By Others				By Maoists					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	14	13	3	16				1	1	1
Injured	10	14	2	16				1	1	1
Beatings	5	14		14				1	11	11
Threats	1	1		1						
Right to Assembly	1	2		2				2	42	42
Women Rights	5		6	6						
Child Rights	7		10	10						
Abduction	8	8		8	1	1	1			
Total	51	52	21	73	1	1	1	5	55	55

Duhabi VDC-9 was shot dead by police near Budikhola Bridge of the same VDC on 27 February. The victim was shot when he was going to buy food at the nearby shop during the period of curfew. The victim was shot for disobeying the curfew order. The final rite of the victim was performed on 29 February after a post-mortem in B.P. Koirala Institute of Health Sciences Dharan.

By JTMM-J

Police Senior Head Constable of Border Security Force Sukra Lal Majhi, 27, of Katahari VDC-2 Morang was killed by JTMM-J cadre on 25 February at Inaruwa municipality-1. The victim was beaten to death when the police team reached the area to control a protest programme organized by JTMM-J denouncing the registration of candidacy for the election of the constituent assembly. The dead body was handed over to his family after post-mortem at district hospital Inaruwa on 26 February. His final rites were performed at Singeya River Morang on the same day. The government provided Rs 700,000 to the victim's family on 6 May.

By MMT

Local businessman Keshab Karki, 39, of Prakashpur VDC-6 was killed by cadres of MMT at Chadwela VDC-7 near Gadan Bridge on 28 April on the charge of not paying tax to the Madhesh government, spying against the Madhesh government and for his alleged involvement in the smuggling of red sandal-wood. The victim was shot while he was heading towards Inawara from Duhabi. The seriously injured victim died on 4 May while undergoing treatment at BP Koirala Institute of Health Sciences. The perpetrators also looted one motorcycle with registration Number KO 1 PA 3102 from the victim. The dead body of the victim was handed over to his family members after a post-mortem on the same day. The motorbike was handed over to his relatives on 30 June from the DPO.

By Unidentified Group

As many as six people were killed by Unidentified group this year. A local shopkeeper Debu Mehata, 42, of Kaptangunj was shot dead by an unidentified group on 25 October while going home from a local market. The dead

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By MMT				By MJF			By JTMM-J			By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	1	1		1				1	1	1	6	6		6
Injured	3	3	1	4				1	3	3	6	8	1	9
Beatings					3	11	11				1	2		2
Right to Assembly					1	2	2							
Abduction								1	1	1	7	7		7
Total	4	4	1	5	4	13	13	3	5	5	20	23	1	24

body was handed over to his family after a post mortem at district hospital Inaruwa.

In Explosion

An unknown cadre of the Defence Army was killed in the explosion of a socket bomb that was being carried out by him on 2 August. The victim died on spot when the bomb went off suddenly at Duhabi VDC-3. Area police office Duhabi confiscated five socket bombs, two short pistols, one Chinese pistol and some documents belonging to the Defence Army from the incident site.

Clash

MJF cadre Ganga Das alias 'Pauwa', 28, of Ramnagarbhotaha VDC-2 was killed following a clash between cadres of NC and MJF that took place on 10 April at the polling centre of Bal Krishna Secondary School of the same VDC. The victim was attacked by a knife and a wood following a clash between cadres of both the parties. The victim died while undergoing treatment at BP Koirala Institute of Health Sciences Dharan. The victim's dead body was handed over to his family members on the same day after a post mortem. The victim's last rites were performed on 11 April. The clash took place after nearly 12 NC Cadres including Gaphar Ansari stopped the polling and voters, cadres

of NC and MJF were removed from the polling centre.

INJURED IN SHOOTING/EXPLOSION

By State

Coordinator of village committee of MJF Lalu Prasad Kamat, 27, of Haripur VDC-7 sustained a bullet injury in police firing on 21 February during a clash between protesters and the security forces at Bhandabari area of the same VDC. Police opened fire to control the protest while escorting vehicles. The victim underwent treatment at District Hospital.

By JTMM-J

As many as three persons were injured in shooting/explosion by JTMM-J this year. Sambhu Mehata, 26, of Dumraha VDC-7, Bishnu Mehata, 18, of same VDC and Raju Shah, 30, of Babiya VDC-2 were injured in the explosion of a sutali bomb hurled by the cadres of JTMM-J at the home of Sambhu Mehata on 29 February. One of the victims Raju received injuries to his hands and legs. The victim received treatment at B.P. Koirala Institute of Health Sciences. Bishnu and Sambhu, who also received injuries on their bodies, also received treatment at the same place.

By MMT

As many as three persons were

injured in shooting/explosion by MMT this year. Taniya Kumari Sah, 8, of Inaruwa Municipality-1 was injured in the explosion of a sutali bomb hurled by MMT cadres at her home on 2 January. The victim received injury when she went to determine the nature of the unidentified object hurled by the MMT cadres at the premises of her home. The victim underwent treatment at District Hospital Inaruwa and returned home on 9 February.

By Unidentified Group

As many as nine persons were injured in shooting/explosion by Unidentified Group this year. Local shopkeeper Deepak Thapa Magar, 28, of Lthari Municipality-8 was shot and injured by two unknown persons at Sangaitik Chowk on 31 August. The victim was shot while he was having a chat with his friends. The victim received treatment at BP Koirala Institute of Health Sciences.

DISAPPEARANCE/ABDUCTION

By Maoists

The coordinator of the National Election Monitoring Alliance (NEMA), Sunsari Constituency Number 6 Prem Prasad Pokhrel, 45, of Dumaraha VDC-7 was abducted by a group of Maoists cadres led by Narayan Nepal on 8 April from B.P. primary school at Barahachhetra VDC-4 on the charge of appointing party cadres to the monitoring team. The victim was freed after 5 hours in the presence of local human rights activists and journalists from B.P. primary school located at Barahachhetra VDC-4. The victim was abducted when he reached the school to provide orientation to booth observers.

By JTMM-J

Arun Aryal, 36, of Kathmandu Goldhunga VDC-3 was abducted by cadres of JTMM-J from Ramganjsenuwari VDC on

26 April on the charge of his involvement in women trafficking. The victim suffered mental torture while being held captive. However the victim was released on 6 May from Inaruwa Municipality-6 in the presence of a human rights activist.

By Unidentified Group

As many as seven persons were abducted by Unidentified Group this year. Raj Kumar Yadab alias Raju, 18, of Babiya VDC was abducted by a group of four unidentified persons from Inaruwa Municipality-7 on 10 August. The victim was abducted while he was house-sitting a newly constructed house. The victim was able to flee from perpetrators on 11 August from Basantapur VDC-3, Shukhsen. However, the perpetrator had demanded Rs 1,000,000 ransom for his safe release.

THREATS/BEATINGS

By State

As many as 11 persons were threatened/beaten by State this year. Workers of Reliance Spinning Mill situated at Khanar VDC-4 Gopi Krishna Bhattari, 40 of Barahachhetra VDC-4, Purna Bahadur Shrestha, 30, and Nikesh Shrestha of Dhankuta, Tek Bahadur Shrestha, 40, Nayemudin Anasri, 36, Rishikesh Dahal, 36, Tara Narayan Chaudhary, 38, were injured in a police baton-charge on 23 October to control their protest programme. The workers were demanding a rise in their salaries in line with the rise given to government employees and some other workers. Seriously injured victims Gopi Krishna received treatment at Koshi Zonal Hospital and Purna Bhadur Shrestha received treatment at B.P. Koirala Institute of Health Sciences.

BY YCL

A local shopkeeper Sajjan Kumar Rai, 34, of Barahachhetra VDC-1 was

threatened that he would be killed by an YCL cadre Shambu Karki, 32, on 5 May. The perpetrator had been staying in the victim's home and the threat occurred after the victim dared to ask for the rent of the room. Shambhu Karki had not paid the rent for the last three months. The perpetrator used to ask for a donation from the victim instead of giving the rent.

By MJF

As many as 11 persons were threatened/beaten by MJF this year. NC cadre Jagadish Kamat, 32, of Haripur VDC-8 was beaten by the cadres of MJF on 27 March for participating in an election campaign of NC at ward number 9 of the same VDC. The victim received treatment at District Hospital Inaruwa.

By KNM

A cameraman of Avenues television Itahari Regional Bureau Deepak Karki, 33, of Belbari VDC-8, Morang was manhandled by the legal advisor of District Chapter of KNM Bishnu Prasad Sharma, 46, on 18 November at Itahari office. The victim had been covering news for the television on the subject of *Mohiyani land* (land which also has rights of a tenant farmer) on 18 November. Police arrested the perpetrator on same day. The perpetrator was released after he publicly apologized for his mistake. Khumbuwan National Morcha removed the perpetrator even from its general membership.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

NC cadres Sokath Miya, 18, of Haripur VDC-9 and Sadam Miya, 18, of the same VDC were injured in a clash between NC cadres and MJF cadres on 3 April. The clash occurred when MJF cadres obstructed

a door-to-door campaign organized by NC. Police personnel of DPO deployed for the security of NC candidate for the Sunsari constituency number 5 Sujata Koirala Basanta Shrestha, 21, Sanjaya Mukhiya, 21 and Khadak Shrestha, 25 were also injured in the incident. The victims were treated at District Hospital Inaruwa.

RIGHT TO PROMPT AND FAIR TRIAL

854 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 116 cases were decided this year and 738 cases remained undecided. Similarly, 247 criminal cases, where the individual is plaintiff, were filed this year. Of which, 72 cases were decided this year and 175 cases remained undecided. Among the total 1101 criminal cases, where the individual is plaintiff, 913 cases remained undecided by the end of this year.

183 criminal cases were brought forward from the last year in the District Court. Of which, 19 cases were decided this year and 164 cases remained undecided. Similarly, 89 criminal cases were filed this year. Of which, 20 cases were decided and 69 cases remained undecided. Among the total 272 criminal cases, 233 cases remained undecided by the end of this year.

263 civil cases were brought forward from the last year in the District Court. Of which, 68 cases were decided this year and 295 cases remained undecided. Similarly, 148 civil cases were filed this year. Of which, 41 cases were decided and 107 cases remained undecided. Among the total 511 civil cases, 109 cases were decided and 402 cases remained undecided by the end of this year.

Among the total 1884 cases including criminal cases, where the

individual is plaintiff, criminal cases and civil cases, 1548 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Anawar Miya, 3, of Amaduba VDC-3 was killed by Aasma Khatun, 19, of same VDC-3 on 7 April. The perpetrator brought the victim to a paddy field near his home and killed him by strangulation. Police arrested the perpetrator and sent him to the District jail as per the order of the District Court.

Ramchandra Mehata, 5, of Devanganj VDC-3 was abducted by an unidentified group on 24 November from his home. The victim was abducted while he was sleeping with his mother. The victim was freed on 29 November from an unidentified place in India after the victim's family submitted a ransom worth Rs 200,000.

A 12-Year-old girl of Aaurabani VDC-5 was raped by Anil Chaudhary, 25, of the same place on 24 February. The victim was raped when she had gone to cut grass near her home. The victim filed a complaint at the DPO Inaruwa on 25 February. The victim's health check up was conducted at District Hospital Inaruwa. The perpetrator remains at large by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Trafficking

Parbati Rai, 30, alias Lalmaya of Dharan Municipality-16 attempted to traffic three girls of Katari VDC of Udayapur District. Lalmaya was controlled by SLRP Cadres on 4 September while she was preparing to traffic these girls to India. She was handed over to police. The perpetrator was released on 25 September after submitting 50 thousand rupees bail

as per the order of the District Court.

Domestic Violence

Dhukheni Rishidev, 30, of Harinagara VDC-2 was killed by her husband Jogendra Rishidev, 36, at their home on 20 June on charge of conducting an illicit relationship with another man. The victim was killed by being attacked with a knife. The villagers controlled the perpetrator and he was handed over to DPO on the same day. The perpetrator was sent to Biratnagar jail on 17 July as per the order of the District Court.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By JTMM-J

JTMM-J cadre started a fire at Quality Nepal Veneers Pvt. Ltd of Inaruwa Municipality-6 on 17 February as the company was not paying tax to the Madesh Government. The proprietor of the factory Yugal Kishor Rathi informed INSEC that property worth RS 200,000 had been destroyed in the fire. The victim filed a complaint against the perpetrators at the DPO but no action had been taken against perpetrators by the end of the year.

Destruction of Infrastructure, Property By JTMM-J

Cadres of JTMM-J detonated a pressure cooker bomb at the DAO Inaruwa located at Inaruwa municipality-7 on 19 February. The building, office documents and some furniture were partially destroyed in the explosion. The office was operating again after one week.

By MMT

Cadres of MMT detonated a pressure cooker bomb at the building of the Land Revenue Office of Inaruwa Municipality-3

on 4 July. The toilet in the building was partially destroyed by the explosion. Chief of the office Madan Krishna Uprati claimed that bomb was detonated in the afternoon during the time that all the staffs were busy at their work.



1.7 Dhankuta



Population : 184,456

Literacy(%) : 64

Women Literacy(%) : 45

Area(Sq. Km.) : 891

Number of VDC(s)/Municipality(ies) : 35/1

Number of School(s) : 315/12

Campus(es)/Higher Secondary School(s) : 1/12

Hospital(s)/Health Post(s) : 1/37

Human Development Index : 0.507

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By Maoist

Cadre of RJP Dipak Dahal, 28, of Bhirgaun VDC-4 was killed by a group of Maoists on 6 April. The victim was abducted from his home and killed using a sharp weapon. The dead body of the victim was found at ward number 6 of the same VDC on the same day. Maoists

had warned the victim one day before the incident. Police arrested Maoist cadres Degman Rai, 46, and Ambar Bahadur Rai, 38, of the ward number 4 of the same VDC on 6 April. The victim's father Prithibi Sen Dahal filed a case against 10 Maoist cadres on 7 April for their alleged involvement in the incident. The government withdrew the case while withdrawing political cases filed against Maoist cadres during the period of Maoist insurgency. Following the decision of the cabinet to withdraw the case, Maoist cadres were released on 28 October.

INJURED IN SHOOTING/EXPLOSION

By State

As many as five persons were injured IN shooting/explosion by State this year. Harka Bahadur Gurung, 70, of Dhankuta municipality-7, Lok Bahadur Neupane, 48, of ward number 3 of the same municipality, Kajiram Rai, 32, permanent resident of Bhojpur who came to attend the exam of Public Service Commission, Army men Sudeep Sah and Hari Acharya of Salleree Barrack received bullet injuries after a police team deployed from DPO opened fire on a clash between Youth Force and YCL on 29 August. The police team led by SI Dharma Neupane and ASI Chandra Karki opened fire to control the clash. The victims received primary treatment at Dhankuta District Hospital and further treatment at B.P. Koirala Institute of Health Sciences. The injured army men received treatment at the Army Hospital Chauni Kathmandu. Three victims could not have the remains of the bullets extracted due to their poor financial situation.

By Youth Force

As many as two persons were injured in shooting/explosion by Youth Force this year. Maoist cadres Bhaikaji B.K., 38, and



Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1		1		1	1	1		1			
Injured	1	2			2					1	5	5
Beatings	9	14	4	31	49	1	4	3	7	1	1	1
Threats	2	3			3							
Right to Assembly	3	4			4							
Women Rights	4		4		4							
Economic, Social and Cultural Rights	1	3			3							
Abduction	3	9		3	12	2	2		2			
Total	24	35	9	34	78	4	7	3	10	2	6	6

Nabin Thapaliya ,17, of Arkhaule Jitpur VDC-7 were shot and injured by a group of Youth Force cadres including Guptaraj Tumba, 28, Upen Tumba,18, of the same VDC on 11 April on the charge of being involved in the irregularities in the election of the constituent assembly. Youth Force cadres opened fire from a home made gun at the village at the time when Maoist cadres were passing through. The victim filed a complaint against the perpetrators at DPO on 14 April. UML paid the medical expenses of the victims. Police arrested Guptaraj Tumba and Upen Tumba on 16 April to take legal action against them. Guptaraj Tumba was released on bail on 6 June while Upen Tumba was cleared from the case on 2 December.

JAIL AND DETAINEES

The Dhankuta jail was transferred to the old building of the District Court after the jail building collapsed. Although the Dhankuta jail has the capacity of 15 inmates, there were 16 convicts and 25 male and one female detainees by the end of this year. There are a total of 42 inmates in the District Jail. The rooms of the jail are narrow and cold. As there was no separate room for women, the female inmate was

kept in a room located in the upstairs of the building. The 42 inmates find it difficult to live in a jail that has the capacity of only 15 inmates. The inmates were provided with the facilities in line with the rules of the jail. The jail administration has provided the facilities for the inmates to read and to sit exams.

DISAPPEARANCE/ABDUCTION

By YCL

As many as eight persons were abducted by YCL this year. Seven cadres of RJP including District President Khumar Thapa, 56, of Dhankuta municipality-6, Laxmi Thapa, 64, Deepak Dhamala,35, Mahendra Thapa, 53, were abducted by YCL cadres on 11 March while they were heading to Dhankuta Bazar from Biratnagar. The victims were kept at a Maoist contact camp for four hours. Maoists captured 122 hundred thousand 223 rupees and 3 mobile sets from the victims. YCL returned all the captured money and goods to the victims at the DPO in the presence of an INSEC district representative on 12 March. The Maoists apologized to the victims and expressed a commitment not to repeat such activities again.

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By ANNISU-R			By Youth Force			By YCL			
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total
Injured				1	2	2				
Beatings				2	4	4	5	9		9
Threats							1	1		1
Right to Assembly							3	4		4
Economic, Social and Cultural Rights							1	3		3
Abduction	1	4	4				2	5	3	8
Total	1	4	4	3	6	6	12	22	3	25

THREATS/BEATINGS

By State

Maoist District committee member Rudra Ojha alias Bishal, 29, of Kerabari VDC-5, Morang district was baton-charged by a police team headed by ASI Khagendra Nepali of DPO Dhankuta on 31 August. The victim was beaten while he went to protect the Maoist District Secretary from beatings by Youth Force cadres.

By Maoists

As many as seven persons were threatened/beaten by Maoist this year. Central Committee Member of RJP Tara Lamghale, 30, District President Tulaman Rai, 40, of Aankhisalla VDC-2, Vice President Yerakhaman Limbu, 52, and cadres Anjila Yakha, 22, Bina Darnal, 35, and Sita Tolang, 21, were beaten by Maoist cadres led by Kamal Magar on 19 July. The victims were attacked with sticks and *khukuri* (a sharp weapon). Among the victims Yerakhaman Limbu was tied with rope for 24 hours after being beaten. The victims were beaten by Maoists acting upon a complaint filed at the Maoist office against the victims regarding some transaction. Among the victims Tara Lamghale was treated at the B.P. Koirala Institute of Health Sciences.

By YCL

As many as 10 persons were threatened/beaten by YCL this year. Padam Bahadur Paudel, 53, of Chanuwa VDC, his wife, son Santosh Paudyal, 24, and his brother were beaten by a group of YCL cadres at their home on 8 April. The victims were beaten by masked YCL cadres using bicycle chains, sticks and domestic weapons after entering into the victim's house through a window. The perpetrators looted Rs 40,800 and one CDMA telephone set from the victim's home. The victims were referred to district hospital after receiving primary treatment at Chanuwa health post on 9 April. The money looted by perpetrators was not returned to the victim.

By Youth Force

As many as four persons were threatened/beaten by Youth Force this year. Student of Dhankuta Multiple campus Dambar Gaire, 23, of Bhojpur district, Ambar Narkhauka, 23, of same place and Gokul Dahal, 23, of Chhitang VDC of Dhankuta were beaten by a group of Youth Force cadres including Sujانبhai Joshi at a vegetable market located at Dhankuta municipality-7 on 28 July. They



were beaten during a clash between Youth Force and ANNISU-R cadres. The victim, who received a deep injury to the head, received treatment at District Hospital Dhankuta.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom and Free and Impartial Election)

District President of RPP Tikaram Ghimire, 59, of Dhankuta municipality-7 was barred from organizing an election campaign by YCL cadres on 20 March at Chanuwa VDC-5. YCL cadres torched publicity materials belonging to the victim. The perpetrators also looted 5 thousands rupees from him but returned the money on the same day. The perpetrators threatened him not to enter into the village for the election campaign.

RIGHT TO PROMPT AND FAIR TRIAL
District Court

36 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 27 cases were decided this year and 9 cases remained undecided. Similarly, 30 criminal cases, where the individual is plaintiff, were filed this year. Of which, 16 cases were decided this year and 14 cases remained undecided. Among the total 66 criminal cases, where the individual is plaintiff, 43 cases were decided this year and 23 cases remained undecided.

19 criminal cases were brought forward from the last year in the District Court. Of which, 10 cases were decided this year and 9 cases remained undecided. Similarly, 28 criminal cases were filed this year. Of which, 14 cases were decided and 14 cases remained undecided. Among the total 47 criminal cases, 24 cases were decided this year and 23 cases remained undecided by the end of this year.

57 civil cases were brought forward from the last year in the District Court. Of which, 36 cases were decided this year and 21 cases remained undecided. Similarly, 40 civil cases were filed this year. Of which, 14 cases were decided and 26 cases remained undecided. Among the total 97 civil cases, 50 cases were decided and 47 cases remained undecided by the end of this year.

Among the total 210 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 117 cases were decided and 93 cases remained undecided by the end of this year at the District Court.

Appellate Court

12 criminal cases, where the individual is plaintiff, were brought forward from the last year at the Appellate Court. Similarly, 21 criminal cases, where the individual is plaintiff, were filed this year. Among the total 33 criminal cases, where the individual is plaintiff, 8 cases were decided this year and 25 cases remained undecided.

46 criminal cases were brought forward from the last year in the Appellate Court. Similarly, 52 criminal cases were filed this year. Among the total 98 criminal cases, 32 cases were decided this year and 66 cases remained undecided by the end of this year.

55 civil cases were brought forward from the last year in the Appellate Court. Similarly, 25 civil cases were filed this year. Among the total 80 civil cases, 29 cases were decided and 51 cases remained undecided by the end of this year.

Among the total 211 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 69 cases decided and 142 cases remained undecided by the end of this year at the Appellate court.

Domestic Violence

Urmila Tamang (Thapa), 23, of Dandagaun VDC-7 was killed by being thrown off the edge of a cliff by her husband Indra Bahadur Thapa, 24, of the Nepal Army on 14 April. The dead body of the victim was found in Salleree jungle of Dhankuta municipality -6, on 15 April. DPO Dhankuta arrested the perpetrator on 22 April from Taplejung district. Police filed a murder case against the perpetrator at the District Court. The perpetrator remained in custody by the end of this year.

Polygamy

Jibika Majhi, 23, of Khuwaphoka VDC-7 was expelled from home after her husband Indrakumar Yakha married with a local girl Manindra Yakha on 2 May. Indra Kumar Yakha manhandled Jibika Majhi saying that she was from Majhi caste. The victim filed a complaint demanding alimony from Indrakumar Yakha at the DPO on 27 July. The case was under trial by the end of this year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

By YCL

YCL cadres torched valuable catechu timber worth more than Rs 657,800 belonging to Gajendra Paudel, 48, of Marekakatahre VDC-5 and Niraj Rai, 37, of Chhitang VDC-3 on 31 August at Rudrabari of Belhara. The valuable wood which was collected for export was completely destroyed. The victims filed a complaint demanding compensation at DAO against YCL on 6 September.



1.8 Tehrathum



Population : 121,999

Literacy(%) : 60

Women Literacy(%) : 40

Area(Sq. Km.) : 679

Number of VDC(s)/Municipality(ies) : 32/0

Number of School(s) : 376/8

Campus(es)/Higher Secondary School(s) : 2/12

Hospital(s)/Health Post(s) : 1/31

Human Development Index : 0.523

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has 32 male and two female detainees by the end of the year. However, the jail has the capacity to accommodate only 35 inmates. There is the provision of a separate block for men and women. The jail is in dilapidated condition. The jail does not have proper management for drinking water and toilet. The inmates in the jail are provided with the opportunity of income generation by preparing caps and other handicraft materials. The male inmates are provided with one television set. The inmates have been provided with the facilities of Caremboard, Chess and Snakes and Ladders. Inmates are provided with the facility of a health check-up.



Table : 1

Types of Event	By Non-State								By State			
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	5	4	1		5							
Injured	1	1			1							
Arrest & Torture									5	13	3	16
Beatings	13	17	3		20	1	1	1				
Threats						1	1	1				
Right to Assembly	2	6		747	753							
Women Rights	8		9		9				1		1	1
Child Rights	4		4		4							
Abduction	2	2	1		3							
Total	35	30	18	747	795	2	2	2	6	13	4	17

DISAPPEARANCE/ABDUCTION

Dilkumari Sambahaphe, 40, of Jaljale VDC-4 and Ran Bahadur Limbu, 47, of Isibu VDC-3 were abducted from Halimela Bazar of Sabla VDC-9 by a group of YCL cadres led by Yubraj Limbu on 7 December from the same area. The victims were handed over to Jireekhimtee police office on the next day. The victims were released on 9 December. The victims were abducted while performing 'Dhan Nach' (a traditional dance of the Limbu community) on the charge of stealing eight thousand rupees from Yubraj Limbu.

THREATS/BEATINGS**By YCL**

Khem Bahadur Rai, 51, of Samdu VDC-6 and Dhanmaya Rai, 43, of the same place were beaten by YCL cadres Imaraj Rai, 30, and Indra Bahadur Rai, 28, on 3 September on the charge of having a bad character. The victims were beaten and handed over at Samdu police post. The police post at Samdu transferred them to the DPO but YCL cadres did not attend the meeting at the DPO. The victims returned home on the same day.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION**(Including Political Freedom and Free and Impartial Election)****By Maoists**

Gunaraj Dangi, 35, of Hwaku VDC-9 was beaten by a group of Maoists cadres at an election booth of Bijaire primary school on 10 April on the charge of casting his vote twice. The victim had a name in two places as he was migrated to ward number 5 of the same VDC from ward number 9 four years ago and so his name was on the voter list on both places. Maoists blamed him for casting his vote for both places. The victim was treated at a local health post.

BY YCL

As many as 11 persons were beaten by YCL this year. NC cadre Narendra Kumar Gurung, 31, of Hwaku VDC-4 was beaten by a group of YCL cadres led by Sagar Thinlabu on 11 April on the charge of calling for people to vote NC candidate Tulsi Subba on the election of the constituent assembly. The critically injured victim was sent to Kathmandu on 18 April for treatment. The victim had not

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By NC			By FLSC				By YCL				By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	N/A M/F	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Injured															
Beatings	1	1	1	1	2		2	5	10	1	11	1	1		1
Threats															
Right to Assembly	1	3	3	1	3	747	750								
Child Rights												1		1	1
Abduction								2	2	1	3				
Total	2	4	4	2	5	747	752	7	12	2	14	2	1	1	2

filed a complaint against the perpetrator by the end of the year due to threats.

RIGHT TO PROMPT AND FAIR TRIAL

30 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 20 cases were decided this year and 10 cases remained undecided. Similarly, 24 criminal cases, where the individual is plaintiff, were filed this year. Of which, seven cases were decided this year and 17 cases remained undecided. Among the total 54 criminal cases, where the individual is plaintiff, 27 cases were decided this year and 27 cases remained undecided.

10 criminal cases were brought forward from the last year in the District Court. Of which, six cases were decided this year and four cases remained undecided. Similarly, 18 criminal cases were filed this year. Of which, eight cases were decided and 10 cases remained undecided. Among the total 28 criminal cases, 14 cases were decided this year and 14 cases remained undecided by the end of this year.

36 civil cases were brought forward from the last year in the District Court. Of which, 28 cases were decided this year and eight cases remained undecided. Similarly, 34 civil cases were filed this year. Of which, 16 cases were decided and

18 cases remained undecided. Among the total 70 civil cases, 44 cases were decided and 26 cases remained undecided by the end of this year.

Among the total 152 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 85 cases decided and 67 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Khagendra Tamang, 11, of Chhatedhunga VDC-9 was murdered by four farmers Shambhu Tamang, Lok Bahadur Tamang, Shyam Dorge Tamang and Gopal Tamang of Thoklung VDC-9 on 17 December on charge of setting fire to the forest. The victim was taken into their control on 16 December when he was returning from his sister's home along with his father Chaturman and brother. The victim's family performed the last rite of the victim on 17 December after a post-mortem at the Aathrai Health Post. Aathrai police post arrested the perpetrators and sent them to jail on 29 December for further investigation as the case is on trial at the District Court by the end of the year.

A 15 year old girl of Sabla VDC-5 was raped by Laxmi Bahadur Phudung alias Sete, 36, of the same VDC-5 on 2 May. The victim's parents filed a complaint against



the perpetrator at the DPO on 7 May after the victim informed her parents about the incident. The perpetrator remains at large by the end of this year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Devimaya Dahal, 45, of Oyakjun VDC-4 was killed by her brother-in-law Khomnath Dahal, 43, on 4 October following a dispute over house cleaning between the victim and the perpetrator's wife Chandrakala Dahal. The victim was murdered using a sharp weapon. The victim's dead body was handed over to family members on the next day after a post mortem at the District Hospital. Police arrested Dahal along with his wife and one minor son from Simle VDC-1 on 5 October. Although the perpetrator's wife and minor son were released from the jail on 1 November, Khomnath remained in the District Jail by the end of the year.

Rape, Attempt to Rape, Inhuman Behavior

A 35-Year-Old woman of Sunnam VDC-3 was raped by Dal Bahadur Sangaula, 45, of same place on 14 August. The victim was raped while she was going to the mill. Acting upon a complaint filed by the victim, police arrested the perpetrator on 25 August. The perpetrator was sent to jail on 21 September.

Polygamy

Giri Sherpa, 45, of Aangdim VDC-7, husband of Phurbi Sherpa, married with Harimaya Yonjan, 30, of Chunban VDC-3 of Dhankuta district on 31 July. The first wife of perpetrator filed a case with at the DAO on 10 August demanding property from the perpetrator. Police arrested him on 22 August and kept him in police custody for 15 days. The perpetrator was sent to jail on 6 September.

1.9 Bhojpur



Population : 206,456

Literacy(%) : 55

Women Literacy(%) : 44

Area(Sq. Km.) : 1,507

Number of VDC(s)/Municipality(ies) : 63/0

Number of School(s) : 367/6

Campus(es)/Higher Secondary School(s) : 1/17

Hospital(s)/Health Post(s) : 1/63

Human Development Index : 0.472

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By Unidentified Group

Narendra K.C, 26, from Gogane VDC-2 was killed by a group of unidentified people on 9 November at Dalgaun VDC-5 Didapani. The victim who sustained a bullet injury died on the way to the hospital. The police suspected that KJWP cadres might have been involved in the incident but no one was arrested by police. Police arrested the neighbor of the victim, Lal Bahadur Rai, 60, for his alleged involvement in the case. The accused, however, was released on 4 December as per the order of the District Court on the condition of appearing in the court whenever summoned.

Table : 1

Types of Event	By Non-State										By State		
	By Others					By Maoists							
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total
Killing	1	1			1								
Beatings	4	12	1		13	5	7	1		8	1	1	1
Threats	8	14	1		15	5	5			5			
Right to Assembly						1			25	25			
Racial Discrimination	2	2	1		3								
Women Rights	6		6		6								
Child Rights	3		1	21	22	1			50	50			
Economic, Social and Cultural Rights	2	4			4	2	2			2			
Abduction	2	1	1		2	2	4			4			
Total	28	34	11	21	66	16	18	1	75	94	1	1	1

JAIL AND DETAINEES

The "B" grade District Jail has 30 male and three female convicts with 12 male and two female detainees awaiting trial by the end of the year. There is also one dependent child in the jail. There are a total of 47 convicted and detained inmates in the Bhojpur Jail. The inmates find it difficult to live in the jail which has the capacity to accommodate only 25 inmates. The female cell is congested and inmates are deprived of sunlight during the winter season. Inmates have to wait in a long queue to use the toilet.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as four persons were abducted by Maoists this year. UML cadre Kedar Karki from Kulung VDC-5 was abducted from his house by a group of Maoists cadres led by the secretary of Maoists area number 1, Puspa Chaulagai, on 28 April. The reason for the abduction is because Karki refused to provide money demanded by the Maoists. The victim was manhandled and locked up in their party office. The Maoists demanded Rs 100,000 from the victim. Karki was freed in the presence of his mother on 7

May. The victim underwent treatment in Kathmandu.

By KJWP

Judda Bahadur Subedi, 68, from Dalgaun VDC-1 was abducted by cadres of the KJWP on 19 October from his home for not providing Rs 100,000 in a donation to the group. The victim was kept in captivity for five hours and had stolen Rs 10,000 and one CDMA mobile from him. The victim was released on the same day under the condition that he would pay Rs 90,000 later. Though the victim informed the DPO verbally of the incident, he did not register the complaint formally. After the incident, the victim fled to the district headquarters and has been residing in the place of displacement since the incident.

THREATS/BEATINGS

By State

Police Head Constable of the DPO, Ramesh Karki, 35, of Bhojpur VDC-5 was injured/beaten by more than 10 police officials, including Inspector Tanka Prasad Bhattari, on 9 February in the Jukekhola area of Bhaisipankha VDC. The police team had gone there for a picnic. The victim claimed that he was beaten badly and was

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By UML				By KWP			By Unidentified Group		
	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing								1	1	1
Beatings	2	9		9	1	3	3			
Threats					5	7	7			
Child Rights	1		20	20						
Economic, Social and Cultural Rights					2	4	4			
Abduction					1	1	1			
Total	3	9	20	29	9	15	15	1	1	1

also inhumanely treated by his colleagues. The victim said Inspector Tanka Prasad Bhattarai, ASI Dan Bahadur Karki and Uttar Kumar Shrestha, Police Head Constable Rudra Khadka and policeman Suresh Chaudhary, among others had beaten him for two hours. The victim received injuries to his left eye, shoulder, thigh, hand and nose. The victim underwent treatment in Katmandu. The victim was given Rs 10,000 by the DPO for treatment. The victim was working at the Bhojpur DPO by the end of this year. The victim did not file complaint saying the incident is an internal matter of the department.

By Maoists

As many as 13 persons were threatened/beaten by Maoists this year. NC cadre, Surendra Karki, from Dalgaun VDC-6 received a death threat and was nearly abducted by a Maoists cadre from his home on 10 April. The victim managed to escape abduction and went to the district headquarters on 11 April. The NC district President, Kumar Rai, appealed to the DPO, human rights organizations and the district administration office on 17 April for the protection of the victim's life and rights. However, the Maoists have

refuted the allegations. The victim, who was displaced from the village following the threat, returned to his village on 23 April with the help of political parties and human rights activists.

By UML

As many as nine persons were threatened/beaten by UML this year. President of the Bhojpur chapter of the FNJ, Shahi Man Rai, was manhandled by the Central Committee Member of the ANNFSU and president of the free student union Bhojpur Campus, Dhurba Raj Rai, on 4 June. The perpetrator also mistreated and verbally abused vice president of the Bhojpur chapter of the FNJ, Gyanendra Khadka, treasurer Niroj Koirala, vice secretary Action Rai. The victims were participating in a meeting of the District chapter of the FNJ when the incident occurred. Rai and Khadka were injured in the incident. Issuing a press statement on the same day, the Bhojpur chapter of the FNJ condemned the incident and demanded action against the perpetrators. Both the sides reached an agreement on 5 June after the perpetrators apologized for the incident.

BY KJWP

As many as 10 persons were threatened/beaten by KJWP this year. The secretary of Yu, Basingtharpu and Thidingkha VDCs, Rawati Dhungana, received death threats from the KJWP and was told to resign from his post on 9 July. In a letter the perpetrator warned the victim to resign from the post and warned of killing him if he did not abide by their order. The perpetrators warned the victim to leave and not return to the VDC. Following the threat by the KJWP cadres, the victim ran his office from the District Headquarters.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

NC cadre, Ganesh Budathoki from Kulung VDC-3 was beaten by a group of five Maoist cadres led by the Maoists secretary of area number one, Puspa Chaulagaun, on 26 March. The victim was beaten while he was on his way to an election campaign. The Maoists beat the victim following the news that was broadcasted through the radio about the killing of a YCL cadre of Solu in a clash between the Maoists and the NC. The victim underwent treatment at a local health post. Police have not taken action against the perpetrators by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

13 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, four cases were decided this year and nine cases remained undecided. Similarly, 19 criminal cases, where the individual is plaintiff, were filed this year. Of which six cases were decided this year and 13 cases remain undecided. Among the total 32 criminal cases, where

the individual is plaintiff, 10 cases were decided and 22 cases remain undecided by the end of this year.

13 criminal cases were brought forward from last year in the District Court. Of which, five cases were decided this year and eight cases remain undecided. Similarly, nine criminal cases were filed this year. Of which one case was decided and eight cases remained undecided. Among the total 22 criminal cases, six cases were decided and 16 cases remain undecided by the end of this year.

28 civil cases were brought forward from the last year in the District Court. Of which, seven cases were decided this year and 21 cases remain undecided. Similarly, 12 civil cases were filed this year. Of which, two cases were decided and 10 cases remain undecided. Among the total 40 civil cases, nine cases were decided and 31 cases remained undecided by the end of this year.

Among the total 94 criminal cases, where the individual is plaintiff, criminal cases and civil cases, 69 cases remain undecided by the end of this year at the District Court.

CHILD RIGHTS

A 9-year-old girl from Patlepani VDC-4 was raped by Sane Darjee, 44 from the same place on 15 January after luring the victim with chocolate. The victim was taken to a bamboo bush where she was raped. The victim underwent primary treatment at the Ghodetar health post. Police arrested the perpetrator at his home. The perpetrator was sent to jail as per the order of the District Court on 3 February and the court sentenced him to 7 years in jail. The child stayed in the village following treatment at the health post.

Mina Rai, 35, from Bhaisipankha VDC-7, killed her newly born child on 9 August. Local villagers found the dead body of the baby at a farm on the same

day and filed a complaint at the DPO on 10 August. Police arrested the perpetrator on the same day. Rai was sent to Bhojpur jail on 22 August to await trial of the case as per the order of the District Court.

ALL KINDS OF RACIAL DISCRIMINATION

Santosh Charmakar and Anjana Magar of Dalgaun VDC-5 were chased from their village by local villagers including her relatives on 4 January for having an inter-caste marriage. The family members of Santosh were displaced to district headquarters in Bhojpur on 7 January following the incident. The victims returned to their village at the initiative of the Dalit Mukti Morcha on 9 January. The victim did not complain against the perpetrators.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By Maoists

Thirty *Muri* of paddy belonging to Yogendra Bahadur Basnet, 30, from Nepaledanda VDC-7 was looted by Maoists cadres led by the secretary of the area number 2, Raj Kumar Dungal. The perpetrators forcefully entered into the victim's house and looted the paddy. The victim's family was displaced to the district headquarters as the Maoists have continued to loot his paddy since 2001.

Destruction of Infrastructure, Property, Seizure of Property

BY KJWP

An office building in Yu VDC was torched by cadres of the KJWP on 8 July on charge that the building was used as a shelter by the APF during the CA election. The property, worth Rs 250,000, was destroyed in the incident. The official work of the VDC was being carried out from district headquarters at the end of the year.

1.10 Sankhuwasabha



Population : 174,453

Literacy(%) : 62

Women Literacy(%) : 35

Area(Sq. Km.) : 3,846.16

Number of VDC(s)/Municipality(ies) : 33/1

Number of School(s) : 360/10

Campus(es)/Higher Secondary School(s) : 3/9

Hospital(s)/Health Post(s) : 2/25

Human Development Index : 0.481

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "C" grade District Jail has the capacity to detain only 25 inmates. However, there were 46 inmates in the jail of which 5 were female convicts, 8 were male convicts and 33 were male detainees. There is a scarcity of drinking water in the jail. The 46 inmates find it difficult to live in the jail in these conditions. The detainees are provided with facilities of producing handmade clothes.

DISAPPEARANCE/ABDUCTION

By Maoists

The District Committee Member of UML Badri Sapkota, 50, of Barabishe VDC-5 was abducted by the Maoists District Committee Secretary Rajendra Karki and party in-charge Rajendra Kiranti

Table : 1

Types of Event	By Non-State								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1		1	1							
Injured	1		1	1							
Beatings	6	5	2	7	10	11		11	1	1	1
Threats					4	6	1	7			
Right to Assembly					1	1		1			
Racial Discrimination	3		3	3							
Women Rights	28		28	28							
Child Rights	2		2	2							
Economic, Social and Cultural Rights					4	4		4			
Abduction					1	1		1			
Total	41	5	37	42	20	23	1	24	1	1	1

on 12 December from the Khandbari Bazar. The victim was abducted for leading the team to loot paddy belonging to Kanchha Rai of the same place. The victim was taken to the Maoists party office where the perpetrators looted his cell phone and beat him badly. The victim was released on the same day with the help of police. The victim along with other local people harvested the paddy belonging to Kanchha Rai, of same place on 10 December. Rai's land had been captured by Maoists before the incident.

THREATS/BEATINGS

By Maoists

As many as 18 persons were threatened/beaten by Maoist this year. A driver, Tirtha Bishwokarma, 31, of Khandbari municipality-11 was beaten by Maoists cadres on 16 January at Khandbari VDC-5 Arunthan. The victim was beaten by Netra Regmi and others for not giving Regmi permission to sit in the vehicle. The victim was not able to let them in the vehicle as the vehicle was already booked by others. The victim has not complained about the incident by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Jivan Gurung, 20, of Didin VDC-2 was deprived of his right to vote during the CA election. Gurung was held by Maoists cadres, led by Ishwor Rai, on 10 April. The victim was barred from visiting the polling station and was forced to return without voting.

RIGHT TO PROMPT AND FAIR TRIAL

Eight criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court, of which, six cases were decided this year and two cases remain undecided. Similarly, 10 criminal cases, where the individual is plaintiff, were filed this year, of which, four cases were decided this year and six cases remain undecided. Among the total 18 criminal cases, where the individual is plaintiff, 10 cases were decided this year and eight cases remain undecided.

14 criminal cases were brought forward from last year in the District Court,



of which, three cases were decided this year and 11 cases remained undecided. Similarly, 28 criminal cases were filed this year, of which, five cases were decided and 23 cases remained undecided. Among the total 42 criminal cases, 8 cases were decided this year and 34 cases remained undecided by the end of this year.

Similarly, 37 civil cases were brought forward from the last year in the District Court of which, 4 cases were decided this year and 33 cases remain undecided. Similarly, 49 civil cases were filed this year of which 7 cases were decided and 42 cases remained undecided. Among the total 86 civil cases, 11 cases were decided and 75 cases remained undecided by the end of this year.

Among the total 146 criminal cases where the individual is plaintiff, criminal cases and civil cases, 29 cases were decided and 117 cases remain undecided by the end of this year in the District Court.

CHILD RIGHTS

A 7-year-old girl of Tamaphok VDC-8 was killed after being raped by Ramesh Sarki of Aankheebhui VDC-4 on 30 August. The victim was abducted from Shanischare and taken two hours walking distance away where she was killed after being raped. Police found the dead body of the victim on 1 September with the help of local villagers. Police arrested Ramesh Sarki and was sent to jail for investigation. The case is on trial at the District Court.

Buddhibahadur Rai, 14, of Sitalpatee VDC-7 was beaten by YCL ward member, Mankumar Darjee, on 3 November for allegedly speaking against the Maoists. A meeting among local villagers, the victim and the perpetrator reached an agreement on 6 November after the perpetrator apologized publicly for the act.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Devikumari Ojha, 29, of the Khandbari municipality-2 was beaten by her father-in-law and mother-in-law on 12 May for not bringing a dowry from her maternal home. The victim filed a case at the DPO in Khandbari on 14 May. A meeting was held at the DPO and an agreement was reached to not repeat such an incident. The perpetrator will face action if such acts are repeated in the future.

ALL KINDS OF RACIAL DISCRIMINATION

Kalpna Shiwa, 27, of Khandbari municipality-7 was beaten and injured by Tanka Maya Ghimire of the same place on 9 February for touching water. The victim filed a complaint at the DPO demanding punishment against the perpetrator on 10 February. Police called Tankamaya to the police office and asked him to apologise to the victim and pay for the medical expenses.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

By Maoists

A group of Maoists cadres headed by the Maoists area secretary, Sabin, looted the corn of Tikaram Simkhada, 40, of Siddhakali VDC-6 on 15 August. The Maoists committed the act because the victim voted for UML. Although the victim filed a complaint against the Maoists cadres at the area police office in Chainpur on 20 August no action has been taken against the perpetrators by the end of this year.

1.11 Saptari



Population : 684,061

Literacy(%) : 50

Women Literacy(%) : 22

Area(Sq. Km.) : 1,363

Number of VDC(s)/Municipality(ies) : 114/1

Number of School(s) : 314/10

Campus(es)/Higher Secondary School(s) : 2/9

Hospital(s)/Health Post(s) : 1/121

Human Development Index : 0.453

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By State

As many as nine persons were killed by State this year. Gulten Das, 32, from Dighawa VDC-2, was killed in police fire in Rajbiraj municipality on 25 March. The police opened fire to try to control the situation after the United Madhesi Front tried to disrupt the filing of candidacy for the constituent assembly election. The victim died on the spot. The protestors carried the dead body of the victim across the village following a post mortem at the Sagarmatha Zonal hospital and final rites were read the next day before performing the last rite in Dighawa.

By YCL

District Education Officer, Mohammad Hasarat Ali, from Janakpur municipality-1 Dhanusha, was manhandled and was mentally tortured by a group of YCL cadres led by Lakshman Yadhab (alias Sheetal) near a petrol pump in Shambhunath VDC on 12 July. The victim was pulled out of his vehicle while he was going home and was mistreated by the perpetrators. The incident occurred over an alleged misuse of government property by Mohammad. The victim died while being taken to the Sagarmatha Zonal hospital after he became unconscious due to a heart attack. The perpetrators looted Rs 150,000 from the perpetrator. The YCL handed over the money to the Revelatory Journalist Association on the same day claiming that the money was earned through corruption. The Revolutionary Journalists Association handed over the money to the DPO. Though the police filed a murder case against Laxhman Yadv (alias Sital), the perpetrator remains at large by the end of the year.

By JTMM-J

Dharmadhish Mandal, 36, from Mahadev VDC-4 was shot dead after being abducted by cadres of the JTMM-J near the Koshi dam in Pharseth VDC-6 on 17 January. The victim's eyes were covered with tape and he was shot dead. The police handed the dead body to the victims' family after a post mortem was conducted on 4 January.

By TLA

Magen Yadav, 35, from Malhniya VDC-9 was shot dead after being abducted by a group of TLA cadres at the Balan river, one kilometer west of Malhniya VDC on 19 October. The victim was abducted from a local bazaar in Tarahi VDC the previous day while returning home. The



Table : 1

Types of Event	By Non-State								By State				
	By Others				By Maoists								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	28	25	3	28					7	9			9
Injured	16	21	6	27					1	1			1
Arrest & Torture									3	10		28	38
Beatings	17	23	4	27	1	1		1	3	5			5
Threats	9	8	2	10									
Right to Assembly									5	9	17		26
Women Rights	12		12	12									
Child Rights	5		8	8									
Economic, Social and Cultural Rights	1	1		1	1		1	1					
Abduction	100	108	2	110									
Total	188	186	37	223	2	1	1	2	19	34	17	28	79

victims' hands and legs were tied and eyes were covered when police found the dead body. The TLA person in-charge of Area number 5, Abiral, said that the victim was killed for allegedly spying against the TLA. The dead body was handed over to the victim's family after a post mortem was conducted on the same day.

By MMT

Maoist cadre, Ramchandra Mandal Khatwe, 40, from Bhagwatpur VDC-1 Durgapur, was shot dead by cadres of the MMT on 21 December. Police found the dead body of the victim near a paddy field in Dadha VDC-2. Police handed the dead body to the victims' family after a post mortem was conducted at the Sagarmatha Zonal Hospital in Rajbiraj. Taking responsibility of the incident, the MMT claimed that the victim was killed for conspiring to kill MMT cadre, Bechan Yadhab on 3 December.

By MVKP

As many as three persons were killed by MVKP this year. The Saptari district coordinator of the ATMM, Satdev Yadhab (alias Shyam), 38, from Ramnagar Kodarkatti VDC-8 was killed after being

abducted by cadres of the MVKP on 7 May. The victim was taken to Kataiya in India after abduction and was killed there. Indian police handed the dead body to the victim's families on 9 May after a post mortem was conducted in Biapur, India. A central member of the MVKP, Gaurab, took responsibility for the incident.

By MRJP

An unidentified person was killed when cadres of the MRJP torched a bus belonging to Salleri Travel with the number plate Na 2 Kha 6455. The bus was heading towards the Koshi Bridge from Kathmandu, at Terhauta VDC-5. Police sent the dead body to Kathmandu for DNA testing.

By Unidentified Group

As many as 13 persons were killed by Unidentified Group this year. Mohamad Usman Miya, 42, from Madhawapur VDC-9, was shot dead by a group of unidentified people in his home on 26 June. The victim, who also sustained injuries to his neck, stomach and armpit, died on the spot. The group involved in the murder has not been identified by the end of the year. Police handed over the

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	BY MMT				By MRJP			By MVKP				By JTMM-J		
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1	1		1	1	1	1	3	3		3	1	1	1
Injured	3	3		3				1	4	2	6			
Beatings	2	4		4								3	4	4
Threats	1		1	1				1	1		1			
Women Rights														
Child Rights														
Abduction	8	8		8				2	2		2	23	31	31
Total	15	16	1	17	1	1	1	7	10	2	12	27	36	36

dead body to the victim's family after a post mortem was conducted at the Sagarmatha Zonal Hospital the next day.

INJURED IN SHOOTING/EXPLOSION

By MMT

As many as three persons were injured in shooting/explosion by MMT this year. Senior Communist Leader, Krishnaraj Barma, from Rajbiraj municipality-6 was shot injured by cadres of the MMT at his home on 30 April. He was asked to come out of his house to discuss renting the property when he was shot. The victim received bullet injuries to his neck and arm. The victim returned home on 11 May after treatment at the B.P. Koirala Institute of Sciences Dharan. The MMT's Saptari district coordinator, Arjun, claimed responsibility for the attack after calling local journalists.

By MVKP

Six persons were injured when a cadre of the MVKP detonated a socket bomb in a bus with the registration number Na 2 Kha 6584. The bus was heading towards Kathmandu from Dharan in Saptari on 15 June. Harendra Rana from Jitpur Dhankuta, Dhanmaya Sunuwar from Kalimati Kathmandu, Dilsaree Rai from

Dharan, Mahesh Kormocha from Shibaji Chandeshwaree from Okhaldhunga, Yam Bahadur Chauhan from Panchtar and Man Bahadur Rai from Dhankuta were injured in the incident. Kormocha, Rana and Sunuwar were seriously injured and treated at the B.P. Koirala institute of Health Sciences Dharan. The central president of the MVKP, J.P. Yadhab, claimed responsibility for the attack.

By Abandoned Bomb

Satish Bhujel, 13, the son of Mahesh Bhujel, from Rajbiraj municipality-9 was injured in an explosion when an unattended explosive device went off near his home on 24 January. Bhujel sustained injuries to his right leg. The victim underwent treatment at the Sagarmatha Zonal Hospital.

By Unidentified Group

As many as 18 persons were injured in shooting/explosion by Unidentified Group this year. Sundar Lal Dukhiya of Odraha VDC-3 was shot and injured by an unidentified armed group at Barlad Chowk on 27 December for not giving them a donation. He received an injury to his chin. The victim underwent treatment at the Matamanokamana Aarogya Centre in Phattepur.

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-G			By JTMM (Ranbir)			By YCL			By TRMS			By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	1	1	1				1	1	1	1	1	1	13	12	1		13
Injured													11	14	4		18
Beatings	2	3	3				1	1	1				4	5			5
Threats	2	2	2	1	1	1	1	1	1				1		1		1
Women Rights													1		1		1
Child Rights													2		4		4
Abduction	6	6	6	1	1	1							59	59	2		61
Total	11	12	12	2	2	2	3	3	3	1	1	1	91	90	13		103

JAIL AND DETAINEES

The 'C' grade district jail has the capacity to detain 125 inmates. The District jail has 199 inmates including two females by the end of this year. The building is old and is in a dilapidated condition. Inmates have demanded sports materials, communication means and vocational training. The inmates organized a relay hunger strike and a hunger strike-onto-death in the jail, demanding general amnesty and proper facilities in the jail. They withdraw their strike after the jail management agreed to forward their 11-point demand to the concerned department.

DISAPPEARANCE/ABDUCTION**By JTMM-J**

As many as 31 persons were abducted by JTMM-J this year. Arjun Yadav, 35, from Nargho VDC-9, was abducted by cadres of the JTMM-J on 6 January from Pathargada while the victim was heading home from Rajbiraj. The JTMM-J freed the victim from Belhi Chapena the next day.

By ATMM

The Principal of the Chumanhari Secondary School Sailendra Mishra, 40, of Mainakaderi VDC-1 was abducted by ATMM cadres from his home on 6 February. It is reported that the victim was

freed on 14 February after paying money to the ATMM, but the victim has not disclosed the amount.

By SJTMM

Bechu Yadhab, 42, from Tikuliya VDC-4 was abducted by cadres of the SJTMM from his home on 2 May. A clash between villagers and the SJTMM cadres ensued during his abduction. The victim was freed from Siraha on 7 May.

BY MMT

As many as eight persons were abducted by MMT this year. Rajeshwor Biraji, 35, from Madhuwapur VDC-6 was abducted by MMT cadres on 20 February while traveling home on a bicycle. The victim was freed on February 22 from a location close to his home.

JTMM-Ranbir

A central member of the All Nepal Health Association affiliated with Maoist Party, Tejnarayan Yadav, 30, from Boriya VDC-4, was abducted by JTMM-Ranbir cadres on 12 October from his home. The victim was freed on 13 October from a border area of India.

By Unidentified Group

As many as 61 persons were abducted by Unidentified Group this year. Abhinash

Pyakurel, 37, from Rajbiraj municipality-8, was abducted by an unidentified armed group on 14 September from his home while he was having dinner. A group of seven armed men came on motorcycle and fired 5 rounds of blank gunfire before abducting the victim. The victim was freed from Barahibirpur Chok on 23 September after paying a ransom worth five hundred thousands rupees.

THREATS/BEATING

By State

As many as five persons were threatened/eaten by State this year. The sub editor of the Rajbiraj Daily Nabin Gupt, from Rajbiraj- 5, and Nepal TV correspondent, Nabin Narshing Nepali, 22, from Rayapur VDC-8 were manhandled and beaten by police personnel on the premises of the Sagarmatha Hospital in Rajbiraj on 25 January. The victims were mistreated while covering a demonstration over Acting President of the NC, Sushil Koirala.

By YCL

Fattepur village committee secretary of the UML Durga Phuyal of the same VDC-3 was manhandled and beaten by YCL cadres on 13 May for presenting the UML's view during a village council meeting.

By JTMM-J

Local business man, Kamarmal Yadav, from Gamhriya Prawaha VDC-3, was beaten by JTMM-J cadres on 30 January at Amarlatee Chwok while the victim was heading to the Kathauna area from the Pato area. The JTMM-J cadres also looted Rs 216,000 from the victim. The victim returned home the next day after treatment at a Nursing Home in Lahan, Siraha.

By ATMM

CPN (United Marxist) candidate of Constituency Number 2, Ashok Lagarwar, 45, Diman VDC-2 and cadre of the party, Kailash Yadhab, 46, were beaten by ATMM cadres on 19 March at Trikol VDC-5 for conducting an election campaign. The ATMM cadres also torched the victim's motorbike with the registration number Ko 1 Pa 4510. The victims were treated at the Sagarmatha Zonal Hospital in Rajbiraj.

By MJF

The District Education Officer of Saptari, Ram Narayan Chaudhary, 45, from Rajbiraj municipality-5, was manhandled and beaten by a group of MJF cadres led by Chotelal Yadhav, from Jamunimadhepura, on 26 September at the victim's office. The victim was beaten for not approving a decision regarding the formation process of the Management committee of National Primary School, in Jamunimadhepura. The victim was manhandled in the presence of police. The staff of the District Education Office informed the DAO about the act but no action has been taken against the perpetrators by the end of the year. The staffs of the office organized a District Education Office *bandh* (Shut-down) on 29 September protesting the mistreatment of the victim.

By Unidentified Group

As many as six persons were threatened/beaten by Unidentified Group this year. Bijaya Mahato, 35, from Maleth VDC-2, was beaten by a group of unidentified people on 11 August in front of the Gahil Petrol pump in the same VDC while he was heading towards his home from Rajbiraj. A group of four armed persons stopped him and beat him before looting his motorbike, 10 thousand rupees and his mobile phone. The victim was treated at the Sagarmatha Zonal Hospital.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Ashok Kumar Sah from Bahari VDC-2, Sanjaya Das, 25, from Rajbiraj municipality-5 and Binod Yadav from Madhepura VDC-4 were injured in a clash when police baton charged a demonstration organized by cadres of the Madhesi parties during the visit of the senior leader of the NC, Sher Bahadur Deuwa, on 3 February. The protestors greeted Deuwa with a black flag. The victims underwent treatment at the Sagarmatha Zonal Hospital in Rajbiraj.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

There are a total of 1016 criminal cases, where the individual is the plaintiff, in the District court. These cases include cases brought forwarded from last year and filed this year. Among the total cases, 248 cases were decided this year and 768 cases remained undecided.

Similarly, among the total 203 criminal cases, including cases brought forwarded from last year and filed this year, 46 cases were decided this year and 157 cases remained undecided by the end of this year.

Among the total 3074 civil cases, which include cases brought forwarded from last year and filed this year, 980 cases were decided this year and 294 cases remained undecided by the end of this year.

Among the total 4293 criminal cases, where the individual is plaintiff, criminal cases and civil cases, 1274 cases were decided and 3019 cases remained undecided by the end of this year at the District Court.

Appellate Court

316 criminal cases, where the individual is plaintiff, were brought forward from The last year in the Appellate Court of which 82 cases were decided this year and 234 cases remained undecided. Similarly, 161 criminal cases, where the individual is plaintiff, were filed this year of which 29 cases were decided this year and 132 cases remained undecided. Among the total 477 criminal cases, where the individual is plaintiff, 111 cases were decided this year and 366 cases remained undecided.

253 criminal cases were brought forward from last year in the Appellate Court of which 44 cases were decided this year and 209 cases remained undecided. Similarly, 105 criminal cases were filed this year of which 7 cases were decided and 98 cases remained undecided. Among the total 358 criminal cases, 51 cases were decided this year and 307 cases remained undecided by the end of this year.

523 civil cases were brought forward from last year in the Appellate Court of which 148 cases were decided this year and 375 cases remain undecided. Similarly, 264 civil cases were filed this year of which 14 cases were decided and 250 cases remained undecided. Among the total 787 civil cases, 162 cases were decided and 625 cases remained undecided by the end of this year.

Among the total 1622 criminal cases, where the individual is plaintiff, criminal cases and civil cases, 324 cases were decided and 1298 cases remained undecided by the end of this year at the Appellate Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Manoj Kumar Das, 32, of Hanumanagar VDC-5 was arrested and beaten by police constable Rajkumar

Yadav of area police office Hanumannagar on 14 January on charge of arguing with neighbour. Local shopkeepers called strike on bazaar on 15 January protesting the beating. The strike was called off on the same day after both the sides reached into an agreement to punish the culprit. But no action was taken against the perpetrator by the end of the year.

CHILD RIGHTS

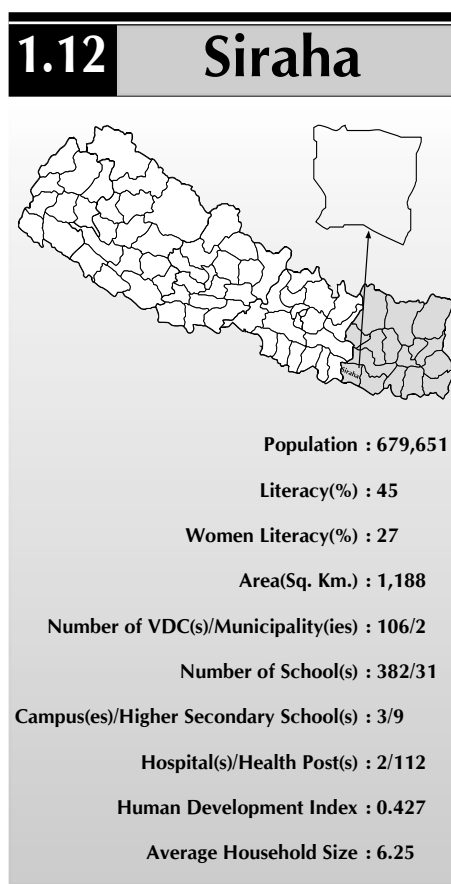
Arbinda Mandal, 10, of Rajbiraj-7 was hacked to death after being abducted in Pharseth VDC-6 on 22 March. The dead body was found in the same place. Police said the victim was abducted while playing on the day of *Holi* (a festival of colour). The police handed the dead body to the victim's family after a post mortem was conducted at the Sagarmatha Zonal Hospital in Rajbiraj on the same day.

Om Prakash Khadga, 12, was abducted by a group of unidentified people on 22 November from the victims' home while he was sleeping. The victim was abducted along with his grandfather, Prem Khadga, 70, and taken towards a border area of India. Prem came in contact with the family members the next morning, while Om was freed from Kulauni in India on 10 December.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sarswoti Devi Sah from Dharampur VDC-6, was burnt after having kerosene poured on her body by her brother-in-law on 27 March. The victim died on 4 April while undergoing treatment at the B.P Koirala Institute of Health Sciences. Police arrested the perpetrator on 7 April and sent him to jail as per the courts' order.



CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as four persons were killed by State this year. Rajesh Thakur, 25, of Bishnupur (Pra Ra) VDC-4 died while being taken to the BP Koirala Institute of Health Sciences after being shot by police on 19 February. He was shot during a clash between police and cadres of the SLMM. His funeral was conducted by his family on 21 February after a post mortem was conducted at the Inaruwa Hospital in Sunsari. The government declared him a martyr and announced to provide of Rs 1m to his family but the family says it has not yet received the money.

Table : 1

Types of Event	By Non-State								By State			
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total
Killing	27	24	7	1	32				4	4		4
Injured	12	18	2		20				6	13	9	22
Arrest & Torture									22	44		44
Disappearance									1	1		1
Beatings	13	15	2		17	1	2	2	4	5		5
Threats	5	5	1		6				11	34	67	101
Right to Assembly												
Racial Discrimination	2	2	1		3							
Women Rights	6		7		7							
Child Rights	2		2		2							
Economic, Social and Cultural Rights	5	3	1	60	64	3	3	3				
Abduction	47	51			51	2	2	2				
Total	119	118	23	61	202	6	7	7	48	101	76	177

Indar Kumar Mahato, 25, of Govindpur VDC-9 was killed by police gunfire near Panbari in Chandraayodhyapur-VDC-8 on the night of 19 December. Police said that Mahato was involved in armed group activities and was shot in an encounter. Mahato died while being taken to the Siraha Hospital. Panch Lal Yadav, who was also injured in the same incident, underwent treatment at the Bharatpur Hospital in Chitwan. Police said Bechan Mahato and Rajeshwar Yadav of same locality were taken into custody after Chinese pistols were recovered from them. Locals and Maoists cadres obstructed the highway the next day in protest of police action.

BY ATMM

Tamatar Malah, 45, of Arnama (Pra. Pi) VDC-7 and a former ATMM cadre were shot dead by the ATMM on 22 June. Malah was killed near Harkatta Tole ward number 7 for allegedly being involved in abduction and robbery. He died on the spot after being hit in the head and chest.

Police said a post mortem of the body was conducted at the district hospital on 23 June. According to locals, six persons arriving in two motorcycles escaped towards the south after the shooting. Ramprit Kushwah, 22, of the same ward also sustained bullet injuries.

By LTTE

Rajendra Sah, 35, of Dumri VDC-4 was shot dead after being abducted by LTTE cadres on 8 July. He was abducted from the Mirchaiya-Kalyanpur road section. Claiming responsibility for the murder, LTTE Siraha-Dhanusha military commander Suryaman Singh said action was taken against Sah for being involved in theft, robbery and looting. Police said Sah's body was recovered at Baluwa of Raghobpur VDC-9. A post mortem of the body was conducted at the district hospital on 9 July.

By TMMM

Ghuran Kamait, 30, of Kurwa Tole in Hanumannagar (Pra. Dha) VDC was

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By MMT			By MTMM			By MRJP			By NC			By JTMM(Rajan Mukti)			By JTMM-J		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing							1	1	1				1	1	1			
Injured																		
Beatings										1	1	1						
Threats																2	2	2
Women Rights																		
Economic, Social and Cultural Rights										1	1	1				1	1	1
Abduction	2	2	2	4	4	4	1	1	1				1	1	1	3	3	3
Total	2	2	2	4	4	4	2	2	2	2	2	2	2	2	2	6	6	6

shot dead after being abducted by TMMM cadres on 8 February. He was killed in Phulkahakatti VDC-6 after being abducted from his house for allegedly being involved in theft and robbery. The body was recovered on the morning of 9 February and the post mortem was conducted at the Lahan hospital on the same day. The TMMM district military commander Bikas claimed over the telephone that his group had carried out the murder.

By MRJP

Birju Yadav, 27, of Pipra (Pra Pi) VDC-8 was deputed at temporary police station in Maheshpur Patari VDC and was hacked to death by the MRJP on a road in Tulasipur VDC-7 on 18 November. SP Ramesh Kharel said Yadav was taken by the perpetrators while heading home alone on home leave. His funeral was held after the post mortem of the body at the Lahan hospital on 19 November.

By JTMM (Rajan Mukti)

Raj Kumar Yadav, 35, of Laxminiya VDC-3 was killed when an explosive device was thrown at him by the cadres of the JTMM (Rajan Mukti). He and other villagers tried to resist the perpetrators on 9 December. Locals said Yadav was seriously injured in the explosion and died on his way to the hospital. Post

mortem of the body was conducted on 10 December. The group's deputy district in charge, Shikhar, accused Yadav of being an informer. Police said two locals, Narayan Thakur and Sri Dev Thakur, were also injured in the incident.

By Unidentified Group

As many as 21 persons were killed by Unidentified Group this year. Satya Narayan Yadav, Ram Ekwil Yadav and Nem Kumar Thakur, aged approximately 22, of Bishnupur (Pra Ra) VDC-4 were found dead by locals in Chiknabhedhiya VDC-3 on 22 January. They were abducted from their village on 20 January by a group of approximately 10 people. The bodies were found buried in different places in a field near the Kamala River. Locals said that Satya Kumar was beheaded while bodies of other two were badly mutilated. Police said the identity of the killers and the motive could not be established. Among the deceased, Satya Narayan was a former JTMM-J cadre and is formerly known as Hitler.

Clash

Twelve Maoists cadres including Jugu Das, Mahendra Sada and Ram Babu Mahara were injured when they clashed with police on 14 September in Ramnagar Mirchaiya VDC-3. DSP Sahakul Thapa also

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-G				By LTTE			By YCL				By TMMM			By Unidentified Group				
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	2	1	1	2	1	1	1					1	1	1	17	15	5	1	21
Injured															11	18	1		19
Beatings								1	2		2				6	6	1		7
Threats	1	1		1				2	2	1	3								
Women Rights								1		1	1								
Economic, Social and Cultural Rights	1	1		1															
Abduction	1	1		1				2	2		2				33	37			37
Total	5	4	1	5	1	1	1	6	6	2	8	1	1	1	67	76	7	1	84

sustained injuries from stones pelted by the Maoists. Police arrested Maoists Siraha in charge, Dilip Sah, who was released in the presence of the then Minister for Land Reform and Management, Matrika Yadav, in the evening.

INJURED IN SHOOTING/EXPLOSION

By State

As many as 22 persons were injured in shooting/explosion by State this year. Mohammad Jamirul of Siraha municipality was injured when the police shot at the funeral procession held by SJTMM cadres on 21 February. The procession was held in defiance of a curfew imposed by the administration. The victim received treatment at the Siraha Hospital. Locals said police fired seven rounds of bullets in the incident.

By Explosive Devices

Three persons sustained injuries when an unidentified gang threw a sutli bomb into a bus with the license plate Na 3 Kha 4383 on the highway at Golbazaar of Asanpur VDC on 1 April. The injured included Hari Prasad Gautam of Taplejung, Gab Bahadur Karki of Morang and Ganesh Sapkota of Dolakha. The CDO, Bal Krishna Panthi, said the victims continued their journey to Kathmandu after receiving treatment at a local health centre. No one

claimed responsibility for the attack.

Shivsati Das Tatma, 35, and her husband Musahar Das, 41, of Sikajyoti Tole in Lagadigadiyani VDC-6 were injured when a sutli bomb left in a paddy field went off on 13 December. Shivsati lost the thumb of her left hand and was blinded in her left eye. Her husband sustained splinter injuries. According to the victims, Shivsati saw the object as they were harvesting paddy and she moved closer to the device with a sickle to have a closer look when the device went off.

By Unidentified Group

As many as 19 persons were injured by Unidentified Group this year. UML cadres, Dipendra Yadav of Gamgariya VDC-5 and Sanjay Thakur of ward number 8 of the same VDC, were injured when an unidentified group shot them on the CA election day, 10 April at the polling booth in the same VDC. Dipendra was hit in the back while Sanjay sustained chest injuries. Both returned home after receiving treatment at the B.P. Koirala Institute of Health Sciences. UML cadres accused NC cadres, Subash Yadav and Naresh Yadav, of being behind the shooting and demanded action against them. The DSP, Mingma Lama, said police were investigating the case. The UML and Maoists called for a bandh in the Siraha

Bazaar from 11 to 14 April demanding action against the accused NC cadres.

Maoists cadre Birju Paswan and resident of Majhauriya VDC-1 was injured when an unidentified group shot at him on 30 April. According to Paswan, the group had shot at him when he was heading home on a loaned motorcycle and added that the group took the motorcycle away. Paswan had injuries to his hand for which he received treatment at a health post in Kalyanpur VDC.

JAIL AND DETAINEES

The 'D' grade district jail with the capacity of 150 inmates has 122 inmates including four females. Among them, 38 men have their terms decided. The building is old and is in a dilapidated condition due to the arson committed by the inmates in 2006. The roof leaks during the monsoon season. The female ward is congested and dark and does not have any ventilation. Inmates said they were forced to consume arsenic water from a tube well. Inmates said they needed some vocational training as there is not a large sports facility.

The inmates launched a strike from 27 May demanding better health treatment for the ill inmates, transfers for some prison personnel and improvement of the jail. Deputy jailer Bindeshwar Yadav rejected the claims of the inmates saying the prisoners get good treatment in jail and are also taken to hospital when required. The strike concluded on 29 May after talks between prison authority and inmates.

A total of 54 prisoners and detainees escaped from the jail, overpowering a guard on duty, Pannalal Yadav, on 13 August. Yadav sustained serious head injuries when he was hit with a cricket bat. One inmate, Sone Lal Yadav, died when the police opened firing at the escaping

inmates. Nine escaped inmates were arrested later on the same day. Most of the escapees were members of armed groups including the JTMM.

Chandra Kumar Yadav, 30, of Arnama (Pra Pi) died in the jail on 15 October. He was arrested from his home on 14 October on the charge of murder. DSP Sahakul Thapa said Yadav had become unconscious in the interrogation room and had died while being taken to Janakpur. The family claims he was tortured to death.

DISAPPEARANCE/ABDUCTION

By State

Shyam Sundar Ram of Dhangadhi VDC-7, who was taken to Lahan hospital after being injured at Golbazaar of Asanpur on 15 February, disappeared from the hospital premises on 16 February. Other patients in the hospital said Ram was taken away from the hospital by a group of policemen. Dr Pashupati Chaudhary of the hospital said anybody who is not found in his bed is registered as having fled. CDO Bal Krishna Panthi claimed Ram had fled from the hospital. Ram's family moved the Appellate Court claiming that police had hid him. The Ward Police Office in Lahan said the Area Police Office in Mirchaiya had taken action against him.

By Maoists

Dhruba Karki, 45, of Madain of Bishnupurkatti VDC-3 was abducted by the Maoists on 2 August. Locals freed him after clashing with Maoists in Gadawe of the same VDC.

By YCL

As many as two persons were abducted by YCL this year. Jaso Yadav, alias Bikrant, the SJTMM eastern region military commander and joint in charge of Saptari, was abducted by YCL cadres from

the Thadi Bazaar, near the Indian border on 30 January. YCL cadres handed him over to the Thadi police station for action. Yadav claimed that the YCL cadres had beaten him while in custody. He escaped from the district prison on 13 August.

By ATMM

Ramesh Karki, 42, of Gamgariya in Siswani VDC-2 was abducted by cadres of the ATMM on 26 April. According to family of the victim, the ATMM cadres had come to abduct Karki's brother, former Lahan municipality deputy-mayor Parkash KC, but took Karki when they could not find KC. He was released from an undisclosed place on 1 May.

By JTMM-J

As many as three persons were abducted by JTMM-J this year. Ram Ashish Mahato of Bishnupur (Pra Ma) VDC-6 was abducted by cadres of JTMM-J from his house in relation to a land dispute on 20 January. JTMM-J's number five regional in charge, Sagar, informed about the abduction. Mahato was released a few days later with conditions but the Mahato family refused to share the condition.

Chairperson of former Bishnupurkatti VDC Girindra Parsad Dahal, of Thatiya Tole of the same VDC received a threatening letter from JTMM-J on 31 July. The letter threatened of physical action if he failed to pay Rs 350,000. The letter was written in the name of JTMM-J area coordinator Karan Singh. Dahal said the letter put psychological pressure on him.

By JTMM (Rajan Mukti)

Field assistant of Community Women Development Centre Anil Kumar Chaudhary, 28, of Rajbiraj Municipality-7 of Saptari was abducted from ward number 7 of the same municipality by

cadres of JTMM (Rajan Mukti) from Siraha Municipality-2 on 22 September. He was abducted when he had gone to the area to form community. The reason behind the abduction is not known. He was released from an undisclosed place on 1 October.

By MTMM

Principal of Evergreen Boarding School Bidur Raut, 42, of Dhangadhi VDC-2 was abducted from his home by the cadres of MTMM on 28 February for refusing to pay a donation. The MTMM cadre, Binayak, called Raut's home to inform him of the abduction. Raut was released from an undisclosed place the next day.

By MMT

As many as two persons were abducted by MMT this year. Principal of a local primary school Basudev Prasad Singh, 68, of Sagarpur in Hakpara VDC-1 and was abducted for not paying an amount of money demanded by the MMT. Singh was abducted on 26 March his house by a group of around 12 MMT cadres. The family informed that he was released a few days later.

By MRJP-R

Social mobiliser in the Integrated Development Center Field Office Raju Shrestha, 26, of Kurwa Tole in Hanumannagar VDC-8 was working as when he was abducted by the cadres of MRJP-R on 10 November. He was released on the same day with conditions but the condition for his release could not be known.

By Unidentified Group

As many as 37 persons were abducted by unidentified groups in the district in 2008. Jagdish Sah, 45, of Sitapur VDC-2 was abducted by an armed

group on 3 January in the pretext of some business. The identity and motive of the abductors could not be known. The family informed that he was released a few days later but refused to share the conditions for his release.

Subash Sah, alias Dharmanath, 30, of Malhaniyakhori VDC-4 was abducted by a group of nearly five people on the night of 29 May. Sah, who had a textile business, was abducted from his house in the pretext of doing some work. The identity and the motive of the abductors are not known. Sah's whereabouts are still unknown.

THREATS/BEATINGS

By State

As many as five persons were beaten by State this year. Reporter for Annapurna Post and the Himalayan Times Rajesh Barma of Siraha Municipality-2 and reporter of local Janaki FM Ganesh Sah of Asanpur VDC were harassed by the police as they were taking pictures of police interference in a rally on 27 January. The policemen also deleted the pictures from their cameras.

By NC

Laxmipur (Pra Ma) VDC secretary, Ramudgar Yadav, was beaten up by NC cadres including Sher Bahadur Majhi on 1 July. The reason for the beating is not known. Protesting the incident and demanding action against the accused, the VDC Secretary Welfare Forum padlocked the District Development Committee on 2 and 3 July.

By Youth Force

Madan Lal Jha of the Janakpur Municipality was deputed at the Land Revenue Office in Lahan and had his face smeared in the premises of his office on 10 December. Jha said a group of eight persons had approached him to register

a land plot in the name of Gopal Sewa Samiti because they did not want to pay the revenue and that he was accused of asking for bribe when he refused. Following the incident, Jha demanded personal security and demanded action against the perpetrators but the police said they could not find the perpetrators.

By Unidentified Group

As many as seven persons were threatened/beaten up by unidentified groups this year. The FNJ central level councilor and Human Rights and Social Development Forum Phulbariya chairperson Jibachha Sah of Phulbariya VDC, was attacked by an unidentified group on 6 July. He was attacked near Bataha Khola of Dodhana as he was heading for home. He said he managed to flee in the darkness of the night.

ARBITRARY ARREST

As many as 44 persons were arbitrary arrested by State this. Umeshwar Yadav and Ram Autar Yadav of Govindpur VDC-9 were arrested by a unified security force from his home on 24 November for allegedly collecting money in the name of an armed group. The Lahan Ward Police Office said they were released from the ward office on 16 December in the absence of evidence.

REARREST

Basanta Ram of the Lahan Municipality-10 and Dev Chandra Paswan of the Nahararigol VDC were re-arrested by the police from outside the District Court premises soon after they were released from court on 31 December 2007. They were incarcerated after being arrested on 29 August on the charge of being affiliated with the JTMM-J. No information was provided about the duo for 48 hours after the re-arrest. On 2 January, CDO

Bal Krishna Panthi said that they were rearrested as they could not be set free for the sake of peace, law and order. On 3 January, they were taken to custody in the district jail on remand under an arms and ammunition case but were released on 2 April. Even then, they were arrested by plain clothes policemen but were released on the same day in the presence of human rights defenders Bhairab Lal Gelal and Sunil Kumar Sah after intervention by the activists.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Over 50 activists of the SLMM, including former Siraha mayor Upendra Mahato, were injured when the police baton charged at demonstrators who were protesting on 25 February the date to file candidacy for CA elections. The police resorted to the baton charge when the SLMM cadres began pelting stones at them. The policemen chased the demonstrators inside a hospital and began beating them indiscriminately, inflicting injuries even to the doctors, patients and visitors.

Ghanshyam Adhikari, a distributor of the Kantipur daily was verbally abused and harassed by the cadres of the MJF in Mirchaiya Ramnagar as he was heading east from Chitwan on 11 September. He was assaulted saying the newspaper had not published any news related to them. They also vandalized a jeep with the number plate GA 1 Cha 3039. MJF leaders later claimed that their cadres were not involved and that there was infiltration in their ranks.

By State

Dhirendra Chaudhary, Rudra Narayan Chaudhary of Dhodhana VDC-9 and a member of the National

Election Monitoring Alliance were forced out the election booth in Sagarmatha Secondary School, Dhodhana VDC on the Election Day 10 April by the ASI Badri Bishwakarma.

By Maoists

Dharmanath Prasad Sah, the former state minister for local administration and UML cadre Pashupatinath Jha, residents of Karjanha VDC, were assaulted by a group of about 15 Maoists, including Moti Chamar, in Karjanha VDC on 19 March. The UML candidate from constituency- 5, Sah, sustained injuries to his body while Jha sustained head injuries. The Maoists also shattered the glass window of Sah's jeep with the number Ba 2 Cha 2931. Saying that the incident was caused by a personal dispute, Maoists district in-charge Jagat Yadav denied any party involvement.

Maoists obstructed the election monitoring by forcing out NEMA coordinator, Ramswarup Mahato, and NEOC coordinator, Kalpana Thapaliya, from the polling station in Janata Primary School in Karjanha VDC-5 of constituency-5. The monitors said Maoists violated the code of conduct.

By NC

NC cadres tried to capture a booth on the Election Day, 10 April, at the election centre in lower secondary school Bal Mandir in Siraha Municipality-4, leading to cancellation of elections. The re-election was held for the area on the 17 April.

RIGHT TO PROMPT AND FAIR TRIAL

316 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, 48 cases were decided this year and 268 cases remained undecided. Similarly, 71 criminal cases, where the individual is plaintiff, were filed this year. Of which, 8

cases were decided this year and 63 cases remained undecided. Among the total 387 criminal cases, where the individual is plaintiff, 56 cases were decided this year and 331 cases remained undecided. 128 criminal cases were brought forward from last year in the District Court. Of which, 22 cases were decided this year and 106 cases remained undecided. Similarly, 42 criminal cases were filed this year. Of which, 7 cases were decided and 35 cases remained undecided. Among the total 170 criminal cases, 29 cases were decided this year and 141 cases remained undecided by the end of this year. 1312 civil cases were brought forward from last year in the District Court. Of which, 257 cases were decided this year and 1055 cases remained undecided. Similarly, 506 civil cases were filed this year. Of which, 65 cases were decided and 441 cases remained undecided. Among the total 1818 civil cases, 322 cases were decided and 1496 cases remained undecided by the end of this year. Among the total 2375 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 407 cases decided and 1968 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

Police beat up Rabin Paswan, 12, of Purano Bazaar in Lahan Municipality-6 while interrogating him on a charge of theft on 19 April. Paswan was beaten with a pipe to his body and hands. He was handed over to his relatives on 20 April.

The family of a 10-year-old girl of Bastipur VDC-3 filed a complaint against Raj Kumar Sada, 25, of ward number 4 of the same VDC, accusing him of raping the girl on 3 November. Ward Police Station says the accused is still at large.

Prakhyat Khatiwada, 12, of Raghunathpur VDC-6 in Dhanusha district was abducted by an unidentified group from his uncle's house in Raghupur VDC-1 on 31 October. The relatives said that the abductors demanded Rs 500,000 as ransom. Khatiwada was released from an undisclosed area of Dhanusha district on 11 November after the family paid an undisclosed amount.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Lalita Devi Sah, 28, her 7-year-old daughter Urmila and her 5-year-old son Saroj of Raghupur VDC-9 were hacked to death in their house on 7 August. The killers entered by digging a tunnel into the house. Their bodies were found the next day. The identity and motive of the killers are not yet known. The post mortem was conducted at the Siraha district hospital on 8 August. Police suspect that the victims were raped before being murdered.

Mohammad Majid, 25, of Taregana Govindapur VDC-7, who identifies himself as a YCL cadre, attempted to rape a 21-year-old woman of ward number 5 of the same VDC on 4 December. The woman's family said the relatives managed to nab Majid when they heard noises but villagers allowed him to escape on 5 December. The victim filed a complaint at the Lahan Ward Police Office. The police said the perpetrator was still absconding.

Ranjana Sah, 20, of Madhubani India, was beaten by her husband, Shrawan Kumar Sah of Bhawanipur Kalabanjar VDC-2, and by her in-laws on 23 November for not bringing a motorbike as a dowry. She filed a case against them at the Lahan Ward Police Office but the police said it was difficult to take action against the accused as there is no separate law on the giving of dowries. Ranjana's

family told police on 5 December that the case was settled after both families discussed the issue.

ALL KINDS OF RACIAL DISCRIMINATION

Sanjira Kumari Safi, 11, of Govindpur VDC-7 was stopped from using a local well by Ram Kumar Yadav and his wife Kagati Devi on 18 October 'for belonging to a low caste'. The victim's family filed a complaint at the Lahan Ward Police Office demanding action against the couple. A meeting of local social workers settled the issue on 26 October and the couple apologised and committed to never repeat such acts.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

By Maoists

The Maoists captured 12 bighas of land and a concrete building in Ramnagar Mirchaiya VDC-3 belonging to Birendra Sah on 4 September. Sah is an MJF cadre and resident of Kalyanpur Jabdi VDC. The MJF cadres called for an indefinite strike in protest of the capture. The Maoists said that the property was captured as it originally belonged to Mohan Shahi, the brother-in-law of former king Gyanendra Shah.

By NC

Ramesh Kumar Sharma, 55, of Sarswar VDC-4 and the Arnama VDC Secretary filed a complaint at the District Police Office accusing NC cadres, including District Secretary Jibachha Gupta, of looting valuables from Sharma's house on 23 December. Sharma added that he was displaced to the district headquarters after receiving death threats from Gupta. Gupta denied the charge saying the issue was a personal money matter.

By TMM

Twenty-five bighas of land belonging to Narayan Bahadur Thapa of

Dhangadha Tole in Bhawanipur VDC was captured by the TMM on 23 February. ATMM district secretary Biplav said his party had hoisted its flag on the land and its sale was prohibited.

By JTMM-J

JTMM-J captured 22 bighas of land and a concrete house in Ramnagar Mirchaiya VDC-3 belonging to Mohan Shahi on 22 January. Prior to being captured by the JTMM-J, the property was inhabited by Maoists.

By SLMM

A group belonging to the SLMM torched a bus with the number plate Me 1 Kha 1001 on 17 February around 8.30 pm for defying the bandh called by them. The bus belonged to Pushpanjali Travels and was heading for Kankadvitta from Kathmandu. The bus was torched near Thana Chok of Mirchaiya VDC.

By MMT

MMT cadres torched a bus with the number plate Na 1 Kha 976 on 3 February. The bus belonged to Munal Travels and was heading for Kankadvitta from Pokhara. The bus was torched on the highway at Golbazaar of Asanpur VDC for defying the bandh called by the group. Area Police Office, Golbazaar, said there were no human casualties.

By Unidentified Group

An unidentified gang torched a truck with the number plate Na 2 Kha 2729 on 2 April at 6:30 pm. The truck was carrying cement. The group claimed that the truck had disregarded their call for a bandh. According to the driver, Mahohari Thapa of Palung VDC-7, the men arrived in motorcycles and forced him stop the truck by placing the bikes across the road. The group fled after setting the truck ablaze.

Right to Work

The DDC staffs and VDC secretaries resigned en mass on 2 July to protest a lack of administrative action over intimidation, beatings and abductions against them. The local development officer, Ramadhin Yadav, said they withdrew their resignations following a discussion between the staff and the administration.


Displacement

The secretaries of 116 VDCs were displaced to major towns on different dates due to threats from armed groups. The DDC said that the VDC secretaries were concentrated in Lahan, Golbazaar, Mirchaiya and the district headquarters Siraha.



1.13

Udaypur



Population : 354,093

Literacy(%) : 55

Women Literacy(%) : 40

Area(Sq. Km.) : 2,063

Number of VDC(s)/Municipality(ies) : 44/1

Number of School(s) : 192/34

Campus(es)/Higher Secondary School(s) : 3/9

Hospital(s)/Health Post(s) : 1/45

Human Development Index : 0.488

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The “D” grade District Jail has 12 male convicts and 60 male and four female detainees awaiting trial by the end of the year. There are a total of 76 convicts and detainees at the District Jail. However, the jail has the capacity to detain only 50 inmates. The inmates complained that it is problematic living in the building because the building is in dilapidated condition and is very dusty. The jail has the facilities of televisions, subscriptions to half a dozen newspapers and radios.

DISAPPEARANCE/ABDUCTION

By YCL

As many as five persons were abducted by YCL this year. UML candidate for the CA election from Udaypur Constituency-1, Ashok Kumar Rai, 58, and Chairperson of the Nepal National Intellectual Council, Upendra Kumar Koirala, who is also the vice-chairperson of the Higher Secondary Education Board, were abducted by YCL cadres Binod Rai, 20, Madan Rai, 19, Bidur Rai, 20, Anil Rai, 18, Manoj Rai, 17, and Devraj BK, 16, on 2 April from Rampur VDC-6. The victims were abducted while they were sleeping in a house. The victim fled from captivity and came into contact with the UML party the next day. The perpetrators, who were arrested by the police and released on 15 April following an agreement between the UML and Maoists.

By Unidentified Group

Prakash Rai, 32, from Mouwakot VDC-6 of Khotang district, was abducted by a group of unidentified people on 10 November from Siddipur VDC-6 Chamerepul. The group threatened to kill Rai and throw him in a river. The victim managed to flee from the captors while being taken to the Beltar area. The victim came into contact with the Darul Area



Table : 1

Types of Event	By Non-State							By State		
	By Others				By Maoists					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	1		1	1				1	3	3
Injured								4	9	9
Arrest & Torture								3	5	5
Beatings	6	5	2	7						
Threats	4	8	1	9	3	9	9	1	3	3
Right to Assembly										
Racial Discrimination	1	2		2						
Women Rights	10		10	10						
Child Rights	6		6	6						
Economic, Social and Cultural Rights	2	2		2						
Abduction	3	6		6						
Total	33	23	20	43	3	9	9	9	20	20

Police Office and filed a complaint against the perpetrators on 12 November. Police have failed to nab the perpetrators by the end of the year.

THREATS/BEATINGS

By State

As many as five persons were threatened/beaten by State this year. Ganesh Raut, 18, Sushil Khattri, 28, and Chandra Giri, 29, from Handiya VDC-7 were beaten by Police on 12 July at the Handiya bazaar while trying to control a clash. Raut, who became unconscious during the beating, underwent primary treatment at the District Hospital and was referred to the BP Koirala Institute of Health Sciences for further treatment with the help of the police. The two other victims underwent treatment at a local health clinic. Both the sides reached an agreement in a meeting held between Chief District Office Dullu Raj Basnet, DPS Mohan Khadka and representatives of civil society.

By Maoists

As many as nine persons were threatened/beaten by Maoist this year. Teachers of the Baraha Secondary School, Chakra Bahadur Raut, 35, Bed Bikram Karki, 29, and Ratna Bahadur Karki, 39, from Baraha VDC-3 were threatened to leave the school by Maoist cadres on 12 April for allegedly leaving out the names of Maoist supporters while collecting the voter's list for the area. The victims were displaced to the District Headquarters following the incident. Maoists have not commented on the issue.

By YCL

Rakesh Khattri, 28, from Triyuga municipality-2 was beaten by YCL cadres on 30 June in front of the District Administration Office for trying to register tender. The victim, who received injuries to his head, underwent treatment at the District Hospital. Protesting the incident, supporters of the victims organized a Gaihat Bandh (shut down) for two days. The beating was in connection to a dispute regarding a submission of tender

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By KWP			By YCL			By Chure Bhawar			By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Beatings				1	1	1	1	2	2					
Threats	3	8	8							1		1		1
Economic, Social and Cultural Rights	1	1	1											
Abduction				2	5	5				1	1			1
Total	4	9	9	3	6	6	1	2	2	2	1	1		2

for construction of the Siddhicharan and Sagarmatha section of road. The victim has not filed a complaint by the end of the year.

By KJWP

As many as two persons were beaten by KJWP this year. Haidip Rai, 40, from Basaha VDC-1, Kalu Lama, 30, and Bhupendra Rai, 33, from ward number 9 of the same VDC were threatened by armed cadres of the KJWP on 6 December over exporting sand and stones from the Khahare river situated on the border area of Basaha and Beltar VDCs. Entrepreneurs complained that the KJWP barred the collection of sand and stones from the area even though the collection was under a contract with the District Development Committee.

By CBEP

As many as two persons were threatened/beaten by Chure Bhawar Ekata Party this year. Maoist cadre Nirmal Regmi, 34, of Triyuga Municipality-4 was beaten by cadres of the CBEP on 30 June in front of the District Administration Office for allegedly interfering with the submission of a tender. Similarly, the Police Head Constable Maheshwor Yadav, 32, was also beaten by YCL cadres from the same place for a similar reason. Regmi received injuries to his head while

Yadav received bruises on his body. Both the victims underwent treatment at the District Hospital. The office of the Maoists and the Chure Bhawar Ekata Party office were both vandalized on the same day by an unidentified group.

By JTMM (Bispath Singh)

A businessman and Chairperson of Beltar Industry and Commerce Association Yograj Karki, 48, from Beltar VDC-1 was beaten and mistreated by cadres of the JTMM (Bispath Singh) on 26 July. The perpetrators also looted the victim's Hero Honda Unicorn Motorcycle with registration Number BA 20 PA 547. The victim was beaten and mistreated in Triyuga Municipality-11 while he was returning from the Lahan bazaar. The victim filed a complaint at the Ydaypur DPO. However, the police had not arrested the perpetrator by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

The Joint Secretary of the Udaypur Chapter of the FNJ, Tulsi Koirala, 24, from Triyuga Municipality-3 was mistreated by the Production unit chief of the Udaypur Cement Company Limited, Bijaya Kumar Thakur, on 20 November over the dissemination of a news article regarding



the company. Issuing a press statement on 21 November, the Udaypur Chapter of the FNJ protested the mistreatment of the journalist, who was there to collect information. The FNJ alleged that Thakur mistreated the victim with the fear that his weaknesses may be revealed by the victim in the media.

By Maoists

Khem Raj Khattri, 30, from Baraha VDC-7, and Dik Bahadur Raut, 38, from ward number 6 of the same VDC were displaced to District Headquarters on 11 April following threats from Maoists for promoting the UML campaign in the election of the constituent assembly. Similarly, Chhetra Bahadur Magar, 41, was also displaced on 6 April for the same reason. All the displaced victims returned to their village on 20 April. Issuing a press statement on 14 April the UML condemned the incident and appealed for the rehabilitation of the victims. Though Maoist District leaders pledged to take action against the perpetrators, no action had been taken against them by the end of the year.

By YCL

UML cadres, Parbat Karki, 32, Tilak Bahadur Karki, 44, and a teacher of the Baraha Secondary School, Ek Bahadur Raut, 41, from Baraha VDC-3, were mistreated by nearly 30 YCL cadres on 10 April while they were returning home for being the pooling agent of the UML. Ek Bahadur was abducted for some time and was released after mistreating him. The victims, who were staying in the District Headquarters following the incident, returned home after a month. Maoist District Committee Member, Yadu Dhakal, claimed that the victims were not mistreated by YCL cadres and pledged to

take action if the incident was carried out by YCL. However no action was taken against the perpetrators by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

116 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court of which 63 cases were decided this year and 53 cases remain undecided. Similarly, 66 criminal cases, where the individual is the plaintiff, were filed this year of which 19 cases were decided this year and 47 cases remain undecided. Among the total 182 criminal cases, where the individual is plaintiff, 82 cases were decided this year and 100 cases remain undecided.

65 criminal cases were brought forward from last year in the District Court of which, 19 cases were decided this year and 46 cases remain undecided. Similarly, 56 criminal cases were filed this year of which 4 cases were decided and 52 cases remain undecided. Among the total 121 criminal cases, 23 cases were decided this year and 98 cases remain undecided by the end of this year.

177 civil cases were brought forward from the last year in the District Court of which 75 cases were decided this year and 102 cases remain undecided. Similarly, 145 civil cases were filed this year of which 38 cases were decided and 107 cases remain undecided. Among the total 322 civil cases, 113 cases were decided and 209 cases remain undecided by the end of this year.

Among the total 625 criminal cases where the individual is plaintiff, criminal cases and civil cases, 218 cases were decided and 407 cases remain undecided by the end of this year at the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Dil Kumar Rai (alias Maxa), 38, from Siddhipur VDC-4 and Dhanraj Rai, 17, from Beltar VDC-1 were tortured by police personnel of the APF Base Camp Beltar and by Area Police Office Beltar on 27 January. The victims were blindfolded and beaten while being arrested in Siddhiswor VDC for allegedly attacking three police posts of the Khotang district. These police posts were attacked by an unidentified group on 21 January. However, the police denied that they tortured the pair. The victims were sent to custody at the DPO on 29 January and were subsequently sent to the District Jail as per the order of the District Court.

CHILD RIGHTS

Kalpana Rai, 31, from Khotang VDC-2 Khotang, who was residing in Basha VDC-6, killed her newly born baby on 3 July and threw the dead body into a bush. The villagers found the dead body in the bush after it started smelling from decay. Acting upon a complaint filed by locals, the police arrested the perpetrator on 5 July. The perpetrator was sent to custody on 21 July for interrogation as per the order of the District Court.

A 7-year-old girl from Rampur thoksila VDC-9, was raped by Krishna BK, 17, from the same place on 7 September while the victim was taking bath in a tap. The victim's relatives filed a complaint at the DPO the next day. The perpetrator was captured by locals and relatives of the victim from the Prabakhari Secondary School Pokhare and handed over to the DPO. The perpetrator was sent to jail for

interrogation while the victim returned home after treatment at the District Hospital.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A woman from Baraha VDC-1, Popraha, was raped in her own home by Dak Bahadur Karki, 24, from the same VDC on 12 November. The victim filed a complaint at the DPO on 15 November. The police arrested the victim the next day and submitted him to the District Court. The District Court, on 1 December, ordered the Police to keep the perpetrator in custody.

Arjun Tamang, 25, from Rampur VDC-8 attempted to rape a 25-year-old woman from the same place on 8 September in her own home. The perpetrator was arrested by police as the victim filed a complaint. The perpetrator was released on 26 September as per the order of the District Court after submitting Rs 22,500 on bail.

Domestic Violence

Shova Thakuri from Katari VDC-8, Bhulki, was tortured and forced to take poison by her own husband on 26 July for speaking with another man. The perpetrator had beaten the victim with an axe after she refused to take the poison and ran away. The seriously injured victim underwent primary treatment at the Katari primary health post and was further treated at the BP Koirala Institute of Health Sciences. The perpetrator was released following an agreement between the victim and perpetrator.



1.14 Khotang



Population : 244,470

Literacy(%) : 50

Women Literacy(%) : 39

Area(Sq. Km.) : 1,591

Number of VDC(s)/Municipality(ies) : 76/0

Number of School(s) : 571/7

Campus(es)/Higher Secondary School(s) : 1/11

Hospital(s)/Health Post(s) : 1/71

Human Development Index : 0.442

Average Household Size : 5.55

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION

Santa Banjara, 38, of Suntale VDC-2 was injured by a mine which was laid for the security of the Sunapatal Repeater Tower in Suntale on 23 March. The explosion took place when the victim was cutting grass in the area. The victim's left leg below knee was amputated in the incident. The victim underwent treatment at the BP Koirala Institute of Health Sciences Dharan. The Mude Barrack of the Indradhoj Battalion provided Rs 10,000 to the victim for treatment, while the Number 18 Battalion Udaypur of the Nepal Army also extended economic assistance worth Rs 5,000 to the victim. The victim returned home after treatment on 6 August.

JAIL AND DETAINEES

The "D" grade District Jail had no inmates at the end of the year. The jail building was completely destroyed in a Maoists attack on 19 June 2005. Since then, there has been no place to detain the inmates. The inmates are sent to Biratnagar Jail in Morang district. The inmates have been demanding that they be detained in police custody as it is difficult for them to consulting lawyers and receive visits from family members while being held in jails outside their district.

DISAPPEARANCE/ABDUCTION

By Maoists

Man Bahadur Giri of Jaleshwori VDC-1 was abducted by the Maoists' Area Secretary Sudip on 2 March from his residence for allegedly being involved in corruption as chairperson of the VDC. Giri was taken to ward number 7 of the same VDC and released after being forced to sign a confession accepting the embezzled Rs 50,000 while being chairperson of the VDC and will pay back the money.

By YCL

As many as six persons were abducted by YCL this year. NC cadres Bajendra Bista, 22, of Chisapani VDC-4 and Mohan Rai, 21, of ward number 6 of the same VDC were abducted by YCL cadres led by Area Number 12 in-charge of YCL Hangdip on 8 April from Chisapani VDC-8. The YCL cadres alleged that Bista and Rai had beaten YCL cadres on separate occasions. Police rescued released them from Salambu area of Chisapani on the same day. Hangdip informed that the victims were taken by them for interrogation about the beating of the YCL cadres.

A clash occurred between the YCL and NC activists on 7 April after YCL cadres

Table : 1

Types of Event	By Non-State								By State					
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total	
Killing	7	4	3		7									
Injured	1	1			1				1		1		1	
Arrest & Torture									3	8	3		11	
Beatings	11	18	4	2	24				4	5			5	
Threats	12	19		8	27	5	10	10						
Right to Assembly	3	6	2		8	1	10	10	2	7	1	26	34	
Racial Discrimination	1		1		1									
Women Rights	7		7		7									
Child Rights	4	1	2	1	4									
Economic, Social and Cultural Rights	1	1			1	2	2	2						
Abduction	3	6			6	1	1	1						
Total	50	56	19	11	86	9	23	23	10	20	5	26	51	

barred the NC activists from participating in an election publicity programme in Chisapani.

THREATS/BEATINGS

By Maoists

As many as 10 persons were threatened by Maoists this year. UML cadre Ram Prasad Acharya, 38, of Diktel VDC-4 was given death threats by the Maoists' village secretary Jhum Prasad Acharya on 9 April. Acharya was threatened because he promoted the UML in the election of the constituent assembly. Issuing a press statement on 11 April, the UML district committee in Khotang condemned the incident.

By YCL

As many as 12 persons were threatened/beaten by YCL this year. CPN-United candidate under the proportional representative electoral system Parbati Rai and cadres of the party Chandra Rai, 21, and Yuvaraj Rai of Ratanch VDC-9 were beaten by YCL cadres on 23 March at Likhuwapokhari VDC. The victims were beaten soon after they reached a publicity

campaign of the party. The perpetrators also obstructed the Party meeting. CPN-United candidate of Khotang constituency-2 Sanat Bahadur Rai, 38, of Ratancha VDC-8, who was there to address the mass meeting said that they had to stop the programme due to the obstruction created by the YCL cadres.

By NC

Maoists village secretary Rajendra Rai of Yamkha VDC-5 and Maoists cadres Bhanu Bhakta Parajuli, and Narayan Prasad Parajuli were beaten by NC cadres on 25 March. They were beaten for allegedly obstructing the election publicity assembly of the NC in Yamkha VDC. Rai received minor injuries in the beating. DSP Dipak Thapa said there was a minor clash between the Maoists and the NC cadres after Maoist cadres tried to obstruct the NC programme while under the influence of alcohol.

By NDA

NC cadre and Central Committee Member of the Nepal Federation of Indigenous Nationalities Gyan Bahadur

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By KWP					By YCL			
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total
Injured						1	1		1
Beatings	2	2	1	2	5	5	8	2	10
Threats	10	16			16	1	2		2
Right to Assembly						3	6	2	8
Economic, Social and Cultural Rights						1	1		1
Abduction						3	6		6
Total	12	18	1	2	21	14	24	4	28

Rai, 38, of Bajhechyandanda VDC-7 was beaten by an armed group of the Nepal Defence Army on 1 January at ward number 4 of the same VDC. The victim was taken into control by eight or nine masked cadres and was beaten badly. The victim's right hand and leg were fractured in the incident. The victim underwent treatment in the Ghodacamp area of Dharan. The victim returned home after treatment on 25 February. The victim said that the attackers told him that they were the cadres of the Defence Army. The District Police Office informed that the perpetrators were not identified by the end of the year.

By KJWP

As many as 21 Persons were threatened/beaten by KJWP this year. Padam Mahat, 34, of Devisthan VDC-4 was beaten by cadres of the KJWP on 1 June for allegedly spying against them. The victim received injuries to his back, thighs and arms. The victim underwent treatment at the Sub health post in Devisthan. The victim has not filed a complaint till the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

The Khotang district correspondent of Radio Nepal Aruna Dahal 23, of Diktel VDC-9, correspondent of Image Television and Annapurna Post Daily, Ratna Prakash Acharya, 23, of ward number 4 of the same VDC, correspondent of Avenues Television Haribol Acharya, 21, and correspondent of Radio Rupakot Indra Prasad Acharya 21, were harassed by the team leader of the Rural Access Programme Dashrath Moktan Indradhoj Battalion, Colonel of Mude Barrack of Indradhoj Battalion Sunil Shrestha, SI of District Police Office Rajendra Thapa, and Diktel VDC secretary of Maoists on 3 May in Bajhechyandanda VDC-1 Sekhuwa. The victims were harassed while visiting the area to cover a news story about the inauguration of the Diktel-Chyandanda road section. The Khotang district chapter of the FNJ condemned the incident in a press statement issued the next day. In a press statement, team leader of the Rural

Access Programme Moktan expressed regret over the misbehaviour to the journalists and expressed commitment not to repeat such incidents in the future.

By Maoists

Maoist cadres looted publicity materials of the RPP candidate of Khotang constituency 1 Motichandra Rai, 45, of Kharmi VDC-3 on 26 March from the jungle area of Chyasmitar VDC. Rai was accused by the Maoists of being a royalist. Maoist cadres looted publicity materials from cadres of the RPP including Sagar Rai. Issuing a press statement on 29 March, the RPP Khotang condemned the incident and urged for the protection of freedom of movement and respect for Civil and Political Rights. The Maoists district committee member Mukti denied involvement of his party in the acts.

BY YCL

YCL cadres led by Madhav Rai cut off the electricity line of the UML Village Committee Secretary Ganesh Prasad Dahal, 48, of Sawakatahare VDC-7, NC Village Committee President Jivnath Dahal, 47, of the same place and other UML cadres Bina Pokhrel, 38, Karn Bahadur Khadka, 39, and Tasbir Rai, 35, on 21 March. Responding to the incident, the Maoists district committee member Mukti said that the act was against party policy and said that he ordered his cadres to immediately connect the electricity line.

RIGHT TO PROMPT AND FAIR TRIAL

27 criminal cases, where the individual is the plaintiff, were brought forward from last year in the District Court, of which, 22 cases were decided this year and seven cases remain undecided. Similarly, 31 criminal cases, where the individual is the plaintiff, were filed this year, of which, 11 cases were decided this year and 20 cases remain undecided.

Among the total 58 criminal cases, where the individual is the plaintiff, 27 cases remained undecided by the end of this year.

19 criminal cases were brought forward from last year, of which, 13 cases were decided this year and six cases remained undecided. Similarly, 12 criminal cases were filed this year, of which, two cases were decided this year and 10 cases remained undecided. Among the total 31 criminal cases, 17 cases remained undecided by the end of this year.

36 civil cases were brought forward from last year, of which, 24 cases were decided this year and 12 cases remained undecided. Similarly, 25 civil cases were filed this year, of which, three cases were decided and 22 cases remain undecided. Among the total 61 civil cases, 34 cases remained undecided by the end of this year.

Among the total 150 criminal cases where the individual is plaintiff, criminal cases and civil cases, 76 cases remained undecided by the end of this year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Rabin Deuja, 15, of Chieuridanda VDC-3, who was staying in a rented room in Diktel, was beaten by a police team led by Police Inspector Dinesh Raj Aryal on 15 September at Diktel Bazaar. The police beat the victim for leading a protest programme for the postponement of exams for the Public Service Commission. The victim was beaten while returning to his room after a computer class at the Haleshi Development Forum. The victim's right hand was fractured in the incident. The victim was taken to hospital at the initiation of the INSEC district representative and journalist. The victim filed an application at the DAO demanding action against the

perpetrator and demanding his medical expenses be paid but the office did not register the application on 17 September.

CHILD RIGHTS

Sita Rai of Buiepa VDC-5 killed her new born child on 9 April. The baby was a result of an illicit sexual relation while her husband had gone for foreign employment. Rai was arrested by police two days later and was sent to the District Jail for further investigation. The trial is currently proceeding at the District Court.

A 16-year-old girl of Letang VDC-6, Morang District, was sexually abused by Sagar Rai, 28, of Buiepa VDC-8 on 10 September. The perpetrator had brought the girl for education and enrolled her in grade 8 at the Pancha Secondary School. The perpetrator had been sexually abusing her since mid June and threatened to kill her if she told anyone about the act. The child was rescued by police with the help of rights activists and locals and was handed back to her family on 17 September. The perpetrator was arrested by police and released on bail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 20-year-old woman from Bajhechyandanda VDC-1 was raped by Sanjeev Rai, 20, of the same place on 25 February. The victim was raped at Jalapa Lower Secondary School while she was returning home from school. The victim was lured to the school by Rai in the pretext of teaching mathematics. The victim filed a complaint at the District Police Office on 27 February demanding action against the perpetrator. However the perpetrator remains at large till the end of the year.

Domestic Violence

Harikala Rai, 35, of Lichkiramche

VDC-8 was beaten and thrown out of her home by her husband, Jitkhamba Rai. According to an eye-witness, the victim was beaten when she asked him to throw her step-children out of the home. She received bruises on different parts of her body.

ALL KINDS OF RACIAL DISCRIMINATION

Tara Siwa (Pariyar), 18, of Batashe VDC-1 was barred from applying for the post of source teacher at the Janajyoti Primary School by source person Keshav Rai on 28 May for belonging a so-called lower caste. Rai said that he could not register application from dalits. The victim filed a complaint at the District Education Office on 22 May. The school management committee was in favour of appointing the victim for the post but they could not do so because of Rai. A discussion was held at the District Education Office between the victim and perpetrator. According to the District Education Officer Katak Bahadur KC, the office registered the victim's application and included her in the selection process. She did not get the job due to a weak performance on a written test.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

A group of nearly 20 Maoists led by Maoists area in-charge Baburam Rai, district committee member Sabin, District Committee Member of the All Nepal Teachers Organization Bhuminath Dahal and Sekhar Pokhrel looted paddy harvest planted on two *ropanis* of land in Khubhinde VDC-4. The paddy belonged to Gyan Prasad Pokhrel, 39, of Kharpa VDC-6. Maoists had captured the land in 2002. The perpetrators warned the victim against planting crops on the property.

By KJWP

Armed cadres of the KJWP destroyed the newly constructed repeater tower belonging to Nepal Telecom, situated at Hummapokhari of Kahule VDC-8 on 11 July. The perpetrators left a pamphlet that said the tower was destroyed because it was installed on the area of the Kirant Party without their consent.

Attack on police posts

Armed cadres of the KJWP attacked the Police Post situated in the Huknajor area of Faktang VDC on 21 January. The perpetrators picketed the police post and took control of ASI Raj Kumar Thapa, the police head constable Nir Narayan Chaudhari, Krishna Kumar Jha, police personnel, Shiva Kumar Bista, Ram Binaya Yadav, Binaya Kumar Yadav, Gharendra Kaibar, Jayaprakash Mandal and Laxmi Yadav before setting off explosive devices at the police post. The perpetrators looted three rifles, 300 rounds of bullets, one Chinese pistol, 18 rounds of bullets, one CDMA phone set and 10 pairs of combat dress.


Displacement

Dik Bahadur Rai, 84, of Damwarkhu Shivalaya VDC-1 along with his family members was displaced from his village on 2 July after cadres of the KJWP issued death threats and warned of physical action against the victim if he failed to donate Rs 600,000 to Mangal Rai of the same place within one week. The victim was threatened at his home by a group of armed cadres of the KJWP on 21 June after the perpetrators took the family members into control. The victim also informed that the perpetrators forced him to sign a contract at gun-point stating that he would give the donation within one week. His family members were released on the condition of not filing complaint. The chairperson

of the KJWP Nabin Kiranti, claimed that a family issue was given a political colour. He also urged human rights activists to independently investigate the incident. The victim remains in Kathmandu at the end of the year.



1.15 Okhaldhunga



Population : 171,984

Literacy(%) : 50

Women Literacy(%) : 23

Area(Sq. Km.) : 1,074

Number of VDC(s)/Municipality(ies) : 56/0

Number of School(s) : 348/5

Campus(es)/Higher Secondary School(s) : 2/8

Hospital(s)/Health Post(s) : 2/55

Human Development Index : 0.481

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has the capacity to detain 50 inmates. There were 21 male and four female convicts as well as 19 male and two female detainees by the end of the year. There are a total of 46 convicted and detained inmates in the Okhaldhunga Jail. The jail is in a dilapidated state. Inmates had to be



Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Killing	1	1			1							
Arrest & Torture										1	1	1
Beatings	3	2	1		3	8	15	1	16			
Women Rights	3		3		3							
Child Rights	4		4	1	5							
Economic, Social and Cultural Rights										1	5	5
Total	11	3	8	1	12	8	15	1	16	2	6	6

moved to a safe place in the rainy season due to leaks in the roof of the jail. Inmates informed that the 40 male inmates find it difficult to sleep and cook food because of a limited space for the male inmates. The inmates are provided with a national newspapers, radio and television sets. The inmates have the facility of sports and entertainment materials like Caramboard, Chess and Snakes and Ladders. Inmates are provided with a health facility and doctors from the Okhaldhunga Community Hospital visit the jail in the presence of a security force. The inmates are allowed to meet journalists, human rights activists and visitors.

THREATS/BEATINGS

BY Maoists

As many as 16 persons were beaten by Maoist this year. Cadres of the NC Sambar Bahadur Katuwal, 32, Kedar Katuwal, 32, of Thulachhap VDC-1, Santosh Bhujel, 18, and Dil Bahadur Sarki, 30, of the same VDC-2, were beaten by a group of Maoists cadres led by Deepak Katuwal, 27, of same place on 9 April for allegedly buying votes for the constituent assembly election. The victims were treated at a local health post.

Heera Bahadur Darjee, 64, of

Baruneshwar VDC-1 was beaten by Maoist cadres of the same place on 16 April for not participating in the victory rally for the Maoists candidate of the constituent assembly election. The victim was beaten at his own home. The victim underwent treatment at the local health post. The victim had not filed a complaint by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

34 criminal cases, where the individual is plaintiff, were brought forward from last year. Similarly, 79 criminal cases, where the individual is plaintiff, were filed this year. Among the total 113 criminal cases, where the individual is plaintiff, 55 cases were decided this year and 58 cases remain undecided.

18 criminal cases were brought forward from last year in the District Court. Similarly, 12 criminal cases were filed this year. Among the total 30 criminal cases, seven cases were decided this year and 23 cases remain undecided by the end of this year.

64 civil cases were brought forward from last year in the District Court. Similarly, 22 civil cases were filed this year. Among the total 86 civil cases, 14

cases were decided and 72 cases remain undecided by the end of this year.

Among the total 195 criminal cases where the individual is plaintiff, criminal cases and civil cases, 43 cases were decided and 152 cases remain undecided by the end of this year at the Appellate court.

CHILD RIGHTS

Dhak Kumari Parajuli alias Bimala, 24, of Katunje VDC-9 killed her new born baby and buried it on 8 April. The baby was born from an illicit relationship with her brother-in-law, Bharat Parajuli. Police arrested both of them on 11 April and filed a murder case at the District Court. The perpetrators were sent to jail on 6 May. The District Court ordered Bharat's release as he was found innocent in the case and gave life imprisonment to Bimala on 15 September.

A 15-year-old girl of Barnlu VDC-8 was raped by Buddhiraj Rai, 20, of same place on 7 May while going to cut grass at Riyalebaree. A complaint was filed against the perpetrator at the DPO on 9 May. Police arrested Buddhiraj on 11 May. He was sent to jail on 2 June as per the order of the District Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Ram Kumar Rana Magar, 22, of Toksel VDC-5, husband of Usha Rana Magar, 18, married again to Yuba Pulami Magar, 16, of the same place on 11 March. The first wife filed a case of polygamy against her husband and Yuba Pulami Magar on 28 March. The perpetrators were released on 30 July after depositing Rs 46,000 and Rs 50,000 bail respectively as per the order of the District Court.



1.16 Solukhumbu



Population : 116,793

Literacy(%) : 46

Women Literacy(%) : 36

Area(Sq. Km.) : 3,311

Number of VDC(s)/Municipality(ies) : 34/0

Number of School(s) : 252/1

Campus(es)/Higher Secondary School(s) : 2/8

Hospital(s)/Health Post(s) : 3/34

Human Development Index : 0.479

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

YCL cadre Ganga Bhujel alias Gajendra, 28, of Chaulakharka VDC-7 was killed in police firing in Taptig VDC-1, which borders Gorakhanee VDC, Taptig VDC and Kerung VDC on March 26. The victim died when police, deployed for the security of NC candidate for the CA election Bal Bahadur KC opened fire to control the clash between cadres of the YCL and the NC. Over 12 people, including NC candidate Bal Bahadur K.C, NC cadres Kedar Bhakta Karki, 50, of Tinla VDC-3, Ram Bahadur KC, 40, Sitaram Kafle of Salyal VDC-2, Rajendra Bahadur Basnet, 36 of Kangela VDC-3,



Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	2	1		3					1	1	1
Injured	2	8	1		9	1	14	1	15			
Beatings	4	8			8					2	2	2
Threats	1	2			2							
Right to Assembly	4	5		1	6							
Women Rights	7		7		7							
Child Rights	2	1	2		3							
Economic, Social and Cultural Rights						1	2		2			
Total	23	26	11	1	38	2	16	1	17	3	3	3

Pema Tamang ,50, and Kanchha Lama,30, of Kerun VDC and Mohan Bohara were seriously injured in the incident. Similary, YCL cadres Yubak Shrestha, 18, Gor Bahadur Rai, 22, Bal Bahadur Rai, 20, Tek Bahadur Rai and Maoists district secretary Himal Ghiree, were also injured in the same clash. Seriously injured victims were treated at the Teaching Hospital in Maharajgunj, Kathmandu while the others were treated at the local hospital in Solukhumbu. Maoist cadres filed a case at the DPO in Solukhumbu on 15 April demanding punishment to the persons who opened fire and against those who gave the order for the shooting. However, police did not register the case saying it is a political case.

INJURED IN SHOOTING/EXPLOSION

Maoists area member Anita Kirati, 19, Samana of Bun VDC-2 was injured when a socket bomb that was kept in her bag went off suddenly on 8 February in her home. The seriously injured victim was sent to the Teaching Hospital in Maharajgunj, Kathmandu after first aid at the Phaplu District Hospital. The victim is still undergoing treatment at the same hospital till the end of this year.

JAIL AND DETAINEES

The "C" grade District Jail has 17 male and four female convicts with 29 male detainees and one female detainee by the end of this year. There are a total of 51 inmates at the District Jail by the end of the year. The inmates have been provided with one receiving phone and eight ovens by the District Development committee. One black and white television and one color television were also provided to the inmates. However, the inmates have not been provided with any skill development training.

THREATS/BEATINGS

By YCL

As many as seven persons were beaten by YCL this year. NC cadres Bibash Rai, 25, of Gudel VDC-6 and Bal Bahadur Rai, 24, of the same place were beaten by YCL cadres with bamboo sticks on 9 April at the election centre located in the same VDC-8. The victims were beaten as he was returning from the polling centre after distributing agent lists of the NC party. One YCL cadre called them over for small talk and started beating them suddenly. They sustained bruises on their necks and other parts of their bodies. The victims were treated at the local health post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

The district committee member of the NC and the former of Salyan VDC chairperson and Dhanjan Rai, 45, of same VDC-7 were held captive on 8 and 9 April by a group of nearly 50 YCL cadres. The Maoists said that Rai was kept in vigil as the NC candidate sent him to the village to donate money for voting for the NC in the constituent assembly election.

RIGHT TO PROMPT AND FAIR TRIAL

17 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court of which 6 cases were decided this year and 11 cases remain undecided. Similarly, 21 criminal cases, where the individual is plaintiff, were filed this year of which no cases were decided this year. Among the total 38 criminal cases, where the individual is plaintiff, 6 cases were decided this year and 32 cases remain undecided.

12 criminal cases were brought forward from last year in the District Court of which 2 cases were decided this year and 10 cases remain undecided. Similarly, 7 criminal cases were filed this year of which no cases were decided. Among the total 358 criminal cases, 19 cases were decided this year and 17 cases remain undecided by the end of this year.

17 civil cases were brought forward from the last year in the District Court of which 8 cases were decided this year and 9 cases remain undecided. Similarly, 21 civil cases were filed this year of which no cases were decided. Among the total 38 civil cases, 8 cases were decided and 30 cases remain undecided by the end of this year.

Among the total 95 criminal cases where the individual is plaintiff, criminal

cases and civil cases, 16 cases were decided and 79 cases remain undecided by the end of this year in the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

By State

Amit Rai, 26, of Basa VDC-4 was beaten by a team of patrolling police personnel under the command of police head constable Krishna Karki of Khastab police post in Basa VDC on 20 October. The police team personnel had beaten the victim under the influence of alcohol. The victim sustained bruises on different parts of the body. The victim underwent treatment at a local hospital. Local villagers controlled the Khastab police post for six hours on 21 October over the beating. A meeting was held among members of the local civil society, local villagers and the police inspector, Madan Kunwar. The issue was resolved after the police inspector assured the people that he would punish the perpetrators.

CHILD RIGHTS

A 7-year-old girl of Nechabetgharee VDC-5 was raped by Tej Prasad Bastola, 21, of same place on 22 December. The victim was raped while going to a nearby field to collect fodder. The perpetrator also harassed another 7-year-old girl who was accompanying the victim. The victims' relatives filed a case on the same day at the Area Police Post in Necha. The perpetrators were arrested on 23 December and handed over to the DPO in Solukhumbu.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 19-year-old woman of Ramechhap district, who was staying at Sotang VDC-4

of Solukhumbu district, was gang raped by Shiba Nepali, 18, Arjun Nepali, 17, Raju Nepali, 19, and Parbhuram Nepali of the same VDC on 24 April in the victim's room. The medical report carried out at the Sotan Health Post on 25 April conformed the incident. Police arrested the perpetrators on 26 April and filed cases against them. The perpetrators remain in jail till the end of the year.

Domestic Violence

Deepa Tamang, 28, of Salleree VDC-2 was beaten by her husband Chyamba Tamang, 32, on 18 September at their home for allegedly maintaining illicit relations with other persons. According to Deepa, her husband used to beat and torture her frequently. The victim also said that the perpetrator tortured her after his second marriage to a local woman. The victim filed a case against her husband on charges of polygamy at the District Court in Solukhumbu and demanded for a divorce.

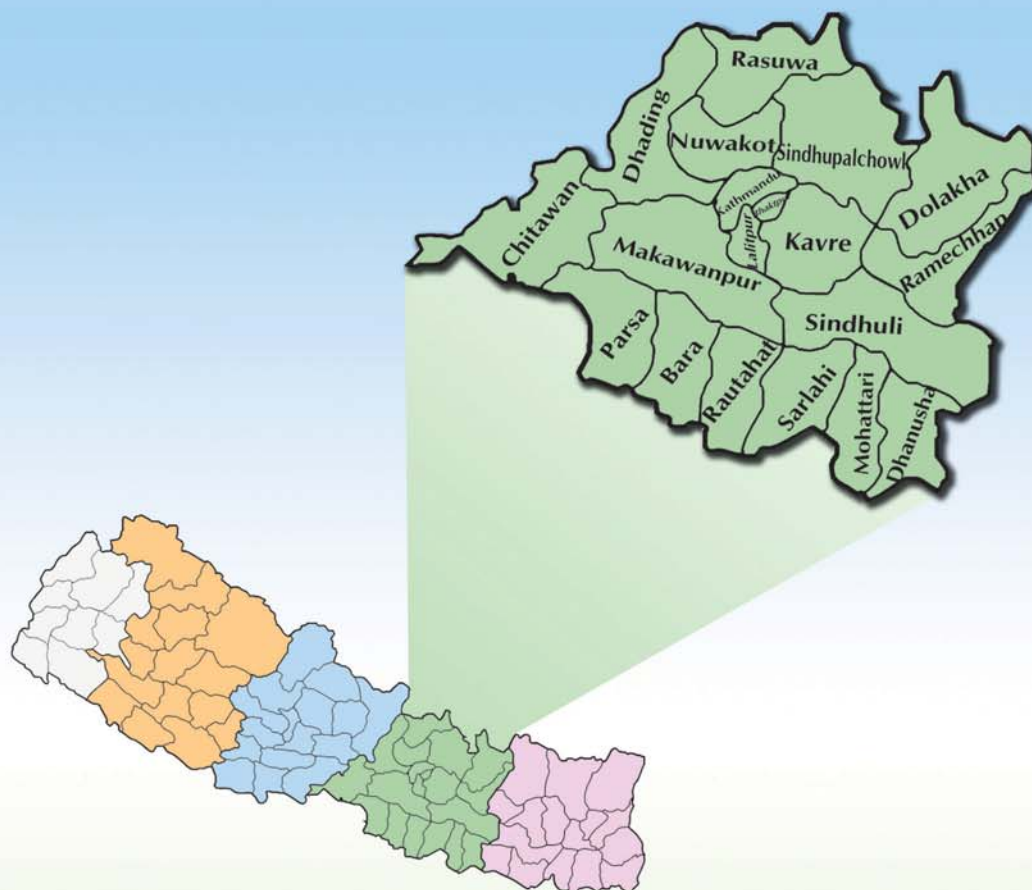
Polygamy

Bahadur Shrestha, 19, of Salleri VDC-6, the husband of Kanchhi Shrestha, remarried with Tulasee Tamang, of the same place on 31 March. Bahadur left his first wife before marrying the second. Kanchhi filed a complaint against her husband and Tulasi Tamang at the community police office on 1 April demanding punishment. The police arrested the duo and the case was settled asking Bahadur to pay Rs 15,000.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Maoist cadres led by Maoists Area Secretary Surakshya looted five *Muri* of a paddy planted at Mukli VDC-6 which belonged to the family of late Tek Bahadur Karki and his brother Dan Bahadur Karki, 64 of Tinla VDC-2. The perpetrators looted the paddy saying that the land was captured by Maoists. The victim filed a complaint against Maoists demanding the return of his land but no action has been taken against the perpetrators till the end of the year.





2. MID REGION

- | | |
|---------------|---------------------|
| 2.1 Dhanusha | 2.11 Makawanpur |
| 2.2 Mahottari | 2.12 Lalitpur |
| 2.3 Sarlahi | 2.13 Kavre |
| 2.4 Sindhuli | 2.14 Bhaktapur |
| 2.5 Ramechhap | 2.15 Kathmandu |
| 2.6 Dolakha | 2.16 Dhading |
| 2.7 Rautahat | 2.17 Sindhupalchowk |
| 2.8 Bara | 2.18 Nuwakot |
| 2.9 Parsa | 2.19 Rasuwa |
| 2.10 Chitwan | |

2.1 Dhanusha



Population : 793,422

Literacy(%) : 50

Women Literacy(%) : 30

Area(Sq. Km.) : 1,180

Number of VDC(s)/Municipality(ies) : 101/1

Number of School(s) : 371/9

Campus(es)/Higher Secondary School(s) : 7/18

Hospital(s)/Health Post(s) : 3/102

Human Development Index : 0.449

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By JTMM-J

As many as two persons were killed by JTMM-J this year. Madan Kumar Moktan, 22, of Digambarpur VDC-5 was crushed to death by a stone by JTMM-J cadres at Pushpalpur VDC-1 on charge of carrying out anti-Madhes activities on 28 January. A worker for Aqua Mineral Water Company in Kathmandu, Moktan was abducted by JTMM cadres from Pushpalpur chok as he was returning home to take his parents for treatment and later killed. The then central member of JTMM-J Rajan Mukti acknowledged that they killing was a mistake.

UML cadre Rama Sah, 58, of Dhawouli VDC-8 was shot dead by JTMM-J cadres at his home on 16 January on the charge of being involved in a murder. Ganga Das, a resident of the same VDC was arrested in connection with the murder and was in the custody of the DPO by the end of the year.

By JTMM (Rajan Mukti)

As many as five persons were killed by JTMM (Rajan Mukti) this year. Overseer of Janakpur municipality Jitendra Sah, 38, of Inarbari VDC-7, Rautahat, was shot dead by JTMM (Rajan Mukti) cadres in Janakpur municipality-4 on 26 June. Sah's family had filed a complaint against the manager of Agriculture Development Bank sub-branch office Luv Kumar Sharma and his assistant Upendra Jha but no action was taken against them.

JTMM (Rajan Mukti) cadres shot dead Shrawan Kumar Shrestha, 50, of Janakpur Municipality-1 at Jalad River In Digambarpur VDC on 7 May. Shrestha's family accused JTMM (Rajan Mukti) cadres of killing him after a demand for ransom was not met. Abinash Mukti of JTMM (Rajan Mukti) said that Shrestha who was from the hilly region was killed for not leaving the Madhes area. Shrestha, an employee at Janakpur Cigarette Company, was found dead five days after he was abducted from Therakchuri VDC on 3 May.

By MMT

Cadres of Madhesi Mukti Tigers shot dead Uday Yadav, 35, of Mahadaiya Tapanpur VDC-5 in Digambarpur VDC-9 in Mahottari district on charge of spying against them date. Yadav, who had gone to attend the marriage of a villager in Tarapatti Sirsiya VDC, was abducted while he was washing his jeep in a canal before being shot dead.



Table : 1

Types of Event	By Non-State									By State				
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	38	31	8	1	40					3	4			4
Injured	25	61	7		68					2	1	2		3
Beatings	4	6			6					7	13			13
Threats	3	6			6					2	3			3
Right to Assembly										5	76		207	283
Women Rights	46		46		46									
Child Rights	5		5		5									
Economic, Social and Cultural Rights	1	1			1	2	3	3	6					
Abduction	39	42	3		45									
Total	161	147	69	1	217	2	3	3	6	19	97	2	207	306

CROSSFIRE

As many as four persons were killed by State this year. Military commander of SJTMM Pradip Rohita Yadav, 32, alias Steel Body of Bisarbhora VDC-2, was injured in police firing in Puswapalpur VDC-1 on 22 March. Yadav died whilst being taken for treatment in Janakpur. The DPO said he was hurt in retaliatory firing after JTMM cadres opened fire at a patrolling police team. Police recovered a 12 bore pistol, six rounds of bullets and a motorbike from the incident site.

Siraha district in-charge of Madhes Nyantrak Samuha Manoj Yadav, 23, of Siraha municipality-1 and military commander of the group Suresh Yadav, 29, were killed in police fire at Janakpur Municipality-1 on 20 December. Police said that the two were killed in retaliatory firing, however, the general secretary of the group Prithvi claimed that the police killed them after arrest.

INJURED IN SHOOTING/EXPLOSION

By State

As many as three persons were injured by State this year. Sanjaya Sah, 24, of Naktajhijh VDC-4 was injured when police shot him in Sakhuwa Mahendranagar VDC-1 on 15 December.

Police opened fire after locals and relatives of Punit Sah, of Krishnanagar VDC protested in front of the area police office against the release of those accused of being involved in his abduction. Sah was treated in Kathmandu.

By JTMM (Rajan Mukti)

As Many as 21 persons were injured by JTMM (Rajan Mukti) group this year. Shatrughan Lal Karna, 55, of Janakpur municipality-10 was injured when cadres of JTMM (Rajan Mukti) detonated a sutali bomb in Janakpur municipality-10 on 4 July. Karna received treatment at Janakpur Zonal hospital.

Shri Krishna Mahato, Surendra Kumar Mahato of Uma Prempur VDC; Rajendra Mahato, Ritlal Mahato of Naktajhijh VDC-5, Jugeshwor Thakur, Chit Ranjan Thakur of Balha kathal VDC-8; Nathuni Pariyaar and his wife Bidhya Pariyaar of Ragunathpur VDC-3, Ashok Kumar Thakur of Bhutahi Partewa VDC-7, Baelal Mahato of Godar VDC-9, Amirati Devi Mahato of Bharatpur VDC-1, Rohit Mahato of Digambarpur VDC-1, Sujaan Devi Mahato of Bharatpur VDC-9 and Shiva Dev Pandit of Bahuharwa VDC-2 were injured when a cylinder bomb went off at land revenue office in Janakpur

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM			By MMT				By JTMM(Rajan mukti)				By JTMM-J		
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing				1	1		1	5	5		5	2	2	2
Injured	1	1	1	1	1	1	2	6	15	6	21			
Beatings														
Threats												1	1	1
Economic, Social and Cultural Rights														
Abduction	1	2	2	7	7	1	8	2	2		2	2	2	2
Total	2	3	3	9	9	2	11	13	22	6	28	5	5	5

municipality-4 on 22 October. Most of the injuries them sustained burn on the hand, back, leg and face. Some of the injured were taken to Kathmandu for treatment while the rest were treated at Janakpur Zonal Hospital. JTMM (Rajan Mukti) and Tarai Rastriya Mukti Sena claimed responsibility for the blast.

By SJTMM

Uddhav Bujel, 40, of Sakhuwa Mahendranagar VDC-1 was injured when SJTMM cadres shot him at the office of Prabhu Finance Company in Janakpur municipality-1. Working as a guard for the company, Bhujel was shot in the chest by JTMM cadres. He was initially treated at Janakpur Zonal Hospital and later taken to Dharan for further treatment.

By TRMS

Cadres of Tarai Rastriya Mukti Sena shot Gauri Shankar Mahato, 52, of Janakpur municipality-9 on 20 July for not supporting the group. Proprietor of Gauri Shankar Iron Stores, Mahato was taken to Kathmandu for treatment. He sustained a bullet injury to his thigh.

By MMT

Ramji Bhagat, 65, and Aasha Thakur, 17, of Janakpur municipality-3

were injured when cadres of Madhesi Mukti Tigers detonated a pipe bomb at Janakpur municipality-7 after they had defied the bandh called by them. Both injured victims were treated at a local health post.

By Unidentified Group

Chakra Bahadur Paudel, 40, of Godar VDC-8 was injured when an unidentified group shot him at his home on 11 July. He received treatment in BPIHKS Dharan.

DISAPPEARANCE/ABDUCTION

By JTMM-J

As many as two persons were abducted by JTMM-J this year. Principal of Mahendranagar based Rupiz Boarding School Bishnu Rana Magar, 42, was abducted by JTMM-J cadres from Puswalpur road section along the East-West highway on 16 January on the charge of being involved in suspicious activities. Magar, who hails from Dhudhauri VDC-2 in Sindhuli, was abducted while he was heading towards the school from his in-laws' home in Dharapaani on a bicycle. He was released from Sakhuwa Mahendranagar VDC on 21 January in the presence of journalist Birendra Ramand human rights defender Bijaya Datta

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-G			By LTTE			By TRMS			By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Killing										16	14	2	1	17
Injured				1	2	2	1	1	1	13	38			38
Beatings	1	1	1	1	1	1				2	4			4
Threats	1	1	1				1	4	4					
Economic, Social and Cultural Rights										1	1			1
Abduction	2	2	2	1	1	1				20	22			22
Total	4	4	4	3	4	4	2	5	5	52	79	2	1	82

following initiations taken by an INSEC Bara representative.

By ATMM

Punit Sah, 50, of Kishannagar VDC-4, Mahottari was abducted by cadres of ATMM from Bateswor VDC on 10 December for not providing money as donation. Sah was released from Sakhuwa Mahendranagar in the presence of his relatives on 17 December.

By LTTE

Dhundi Raj Dahal, 53, of Godar VDC-3 was abducted by cadres of Liberation of Tarai Tigers Eelam from the same VDC on 26 March. Four men had taken him away in a motorbike and demanded Rs 1000,000 as ransom. He was rescued a few hours later by the Armed Police Force from Bharatpur VDC. Police arrested Ram Kumar Yadav, Jay Kumar Yadav, Chandra Prasad Yadav, Nabin Hussain of Siraha district, and Shamshul Rain of Mahottari district in connection with the abduction. All of the arrestees were sent to jail on remand on 19 April following orders from the District court.

By JTMM (Rajan Mukti)

As many as two persons were abducted by JTMM (Rajan Mukti) Group

this year. Mahendra Gohiwaar Yadav, 45, of Gothakoyalpur VDC-3 was abducted by JTMM (Rajan Mukti) cadres from the same VDC on 3 November on the charge of not providing money as donation. Yadav was released the next day in the presence of relatives.

By MMT

As many as eight people were abducted by MMT this year. Suwaran Das, 45, of Gopalpur VDC-9 and Mohan Sah, 35, of Tulsiyahi VDC, also an overseer at Care Nepal Dhanusa, was abducted by cadres of Madhesi Mukti Tigers from Gopalpur VDC-9 on 18 January for not providing money as donation. The MMT cadres, who came on motorbike, abducted the two when they went to the village for official work. Das managed to escape from the group's captivity the same night while Sah was released two days later from Sinurjoda VDC in the presence of Samaj Uthhan Yuwa Kendra's Gyanendra Yadav.

By SJTMM

As many as two persons were abducted by SJTMM this year. Jogi Mandal, 40, and Uchit Mandal, 65, of Yagyabhumi VDC-6 were abducted by cadres of SJTMM from their home on 2 February on the

charge of assisting a couple to escape from the village. The two were beaten and then released the next day from Umaprempur VDC in the presence of local Pandav Mandal and Laxman Mandal.

By Unidentified Group

As many as 22 persons were abducted by unidentified group this year. Bhrigunath Thakur, 50, of Janakpur municipality-10 was abducted from near his home by an unidentified group on 2 April. Thakur, who had filed his candidacy in the CA elections from Dhanusha constituency 4, was released on 11 April from Bhiththamod in Mahottari district.

Shiva Shankar Sah, 55, of Dhalkewar VDC-9 was abducted by an unidentified group from Dhalkebar Bazaar while he was returning home on 9 April. He was released the next day.

THREATS/BEATINGS

By State

As many as 16 persons were threatened/beaten by State this year. Human rights activist Raj Kumar Mahaseth, 35, of Janakpur municipality-10 was beaten by Armed Police Force on 26 January when he was monitoring a protest staged by Madhes-based parties in the assembly.

By JTMM-J

Claiming to be a cadre of JTMM-J, Rakesh Singh, 42, of Saptari threatened the chief of the Agriculture Development Office Dhanusa Om Prakash Karna, of Janakpur municipality-4, on 5 May for not providing Rs 50,000 as donation. District Court gave an order that Singh should be sent to jail on remand on 7 June.

By ATMM

Jaharu Thakur, 55, of Makhanaha VDC-3 was threatened with death by

cadres of ATMM on 7 January for not agreeing to buy land captured by them.

By TRMS

Baba Khan of Tarai Rastriya Mukti Sena threatened to take physical action against journalists associated with the newspaper Janakpur Today- Ajit Tiwari, Ganesh Kharel, Ajay Kumar Sah and editor of Tarai Times Dainik Birendra Raman on 31 July accusing them of publishing, distributing and disseminating news in Nepali language.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

15 cadres of Samyukta Loktantrik Madhesi Morcha, including Rajesh Jaalan, 32, of Janakpur municipality-1, Saroj Kumar, 22, Binay Kumar Thakur of Janakpur municipality-4, were injured in a clash between police and protestors at Janakpur municipality on 25 February. Police had baton-charged at the protestors. The injured were treated at Janakpur Zonal Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

99 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. 122 criminal cases, where the individual is plaintiff, were filed this year. Among the total 221 criminal cases, where the individual is plaintiff, 20 cases were decided and 201 cases remained undecided by the end of this year.

81 criminal cases were brought forward from the last year. 120 criminal cases were filed this year. Among the total 120 criminal cases, 10 cases were decided and 191 cases remained undecided by the end of this year.

920 civil cases were brought

forward from the last year. 1234 civil cases were filed this year. Among the total 2154 civil cases, 244 cases were decided and 1910 cases remained undecided by the end of this year.

CHILD RIGHTS

A 15-year-old girl belonging to the Dalit community of Hariharpur VDC-6 was gang-raped by Raguveer Yadav, 25, and Umesh Kumar Mahato, 22, of the same place at Jalad River in the same VDC on 1 January. The girl was raped as she was returning after collecting firewood from jungle. She was treated at Janakpur Zonal Hospital. Although a complaint has been filed against the two, no one had been arrested by the end of the year.

Pooja Sah, 9, of Janakpur municipality-9, was abducted by cadres of Madhesi Mukti Morcha from near her home on 20 June. Gorakh Singh of the group had snatched her after her father failed to provide the Rs 500,000 demanded by them. The girl was released same day from Sakhuwa Mahendranagar when the police team immediately deployed after the incident surrounded the suspected site.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old woman of Bharatpur VDC-2 was gang-raped by Harun Kawadi, 22, and Kalaam Miyaa, 25, of the same place at her home on 30 May. The woman

was treated at Janakpur Zonal Hospital. No one has been arrested regarding the incident.

Mundrika Devi Chaudhary, 71, of Duhabi VDC-1 was fed human excreta by Srichan Ray Amat, 50, and Jhuluwa Devi Amat, 35, of the same place on 23 May on the charge of being a witch. Chaudhary was also beaten by them. No action was taken against the two although the victim did file a complaint against them at the DPO.

Domestic Violence

Ratna Kumari Sah, 23, of Janakpur municipality-6 was beaten and injured by her husband Rahul Sah, 26, and parents-in-law Ram Nath Sah, 46, and Sushila Devi Sah, 43, for bringing smaller dowry than was expected. Ratna received treatment at Janakpur Zonal Hospital. Although Ratna filed a complaint seeking action be taken against them, police made a compromise between the two sides.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

Maoists cadres captured land and a house belonging to Sundar Nath Bhattarai, 60, Keshav Nath Bhattarai, 55, and Neera Bhattarai, 50, of Dhanushadham VDC-1 on 30 November. Maoists are yet to return 10 *bigahas* of land, a mango orchard and a house built across one *bigaha* of land belonging to the three persons which was captured five years ago.



2.2 Mahottari



Population : 663,389

Literacy(%) : 35

Women Literacy(%) : 25

Area(Sq. Km.) : 1,002

Number of VDC(s)/Municipality(ies) : 76/1

Number of School(s) : 267/24

Campus(es)/Higher Secondary School(s) : 2/5

Hospital(s)/Health Post(s) : 1/81

Human Development Index : 0.407

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Kaiyan Dafali, 55, of Jaleshwor municipality-3, died while being treated at Sitamadi in India on 15 March. He had been beaten and injured by APF men at his home during the Madhes movement on 18 February. Relatives of the deceased demanded that he be declared a martyr. Dafali's family is yet to receive compensation.

By JTMM-J

Hari Prasad Chaulagain, 50, of Bardibas VDC-1 was injured after JTMM-J cadres shot him on 3 January as he had gone to cut grass in Maisthan jungle.

He died while undergoing treatment at BPKIHS Dharan two days later. The government provided Rs 700,000 to his family as compensation.

By JTMM (Rajan Mukti)

As many as two persons were killed by JTMM (Rajan Mukti) this year. Cadres of Rajan Mukti-led JTMM shot dead Bir Bahadur Shrestha, 41, of Nigoul VDC-2 on 3 July near Manahari River at Kisannagar VDC-4. The group had abducted him that day from Jaleshwar-Bardibas road section in Sonamai VDC-1.

NC booth committee president Pashupati Rana, 36, of Ramnagar VDC-3 was shot dead after being abducted by JTMM (Rajan Mukti) cadres on 23 July. The group abducted Rana from his home before shooting him dead at a sugarcane field in Jaathilet VDC-5.

By Unidentified Group

As many as eight persons were killed by unidentified group this year. Shishu Prasad Khanal, 42, of Bharatpur VDC-4 was hacked to death by an unidentified group near Madaha River while he was returning home from Gaushala Bazaar on 1 March. The deceased's family received Rs 200,000 as compensation from the government.

Maoist area committee member Sukiya Devi Ram, 42, of Kataiya in Bhangaha VDC-9 was hacked to death by an unidentified group on 3 September. The group had abducted Ram from her home a day ago. Her dead body was recovered from a field near Bateshwar VDC.

INJURED IN SHOOTING/EXPLOSION

By JTMM-J

Shri Lama, 55, of Maisthan VDC-8, was shot injured by JTMM-J cadres at a jungle near his home on 2 March. He was treated at Lalghadh Hospital.

Table : 1

Types of Event	By Non-State				By State			
	By Others							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	14	10	4	14	1	1		1
Injured	8	10	8	18	2	12		12
Arrest & Torture					1	1		1
Right to Assembly					4	23	3	26
Racial Discrimination	1	3		3				
Women Rights	2		2	2				
Child Rights	1		1	1				
Abduction	41	47	1	48				
Total	67	70	16	86	8	37	3	40

By Tarai Military Morcha

Sandip Kumar Mishra, 35, of Dhamoura VDC-7 was shot by cadres of Tarai Military Morcha at his home on 11 November. Mishra was treated at Janakpur Zonal hospital after sustaining shrapnel injuries to his face.

By Unidentified Group

As many as 16 persons were injured by unidentified group this year. Ram Babu Yadav, 32, of Fulkaha VDC-1 was shot and injured by an unidentified group near Jangaha River in Shripur VDC-1 on 17 March. He was treated at BPKIHS Dharan.

By Abandoned Bomb

As many as seven persons were injured by abandoned bombs this year. Owner of Pushpa Hotel in Bardibas VDC-1 Ganga Shrestha, 30, her son Amar Shrestha, 12, daughter Anisha Shrestha, 10, and a worker Dhana Bahadur Lama, 26 were injured when a sutali bomb, left by some men of Madhesi origin in the hotel, went off on 17 January. The bomb went off when the injured victim touched the bag in which it was kept. The injured were treated at a local hospital.

JAIL AND DETAINEES

The 'B' grade District Jail of Jaleshwar has the capacity to accommodate 135 inmates. However, 377 inmates, including 18 women, were detained in the jail by the end of this year. Of whom, 105 inmates were convicted while the rest were accused. Three children were also residing in the jail with their parents. Inmates face difficulties due to lack of sleeping space because the number of inmates far exceeds the jail's capacity. Water leaks from the dilapidated roof. The children in the jail did not have access to school. There were four hand pumps and five toilets for the male inmates and two hand pumps and two toilets for the female inmates in the jail.

DISAPPEARANCE/ABDUCTION

By JTMM-J

As many as 18 persons were abducted by JTMM-J this year. Sharad Sahani, 35, a teacher of Mahadaiya Tapanpur VDC-5 was abducted by JTMM-J cadres on 25 January for refusing to obey the order of the 'Tarai government'. He was released three days later.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM			By MT			By JTMM(Rajan Mukti)			By JTMM-J		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing							2	2	2	1	1	1
Injured										1	1	1
Abduction	1	5	5	5	7	7	2	2	2	17	18	18
Total	1	5	5	5	7	7	4	4	4	19	20	20

Daresh Ray, 40, of Dhankoul VDC-4 in Sarlahi district was abducted by JTMM-J cadres from Samsi VDC on 24 January on the charge of participating in the assembly of seven political parties. He was released a day later.

Ram Babu Sah of Khuttapiradi VDC-6 was abducted by JTMM-J cadres from home on 16 February. He was released two days later after providing a ransom of Rs 200,000.

By JTMM (Rajan Mukti)

As many as two persons were abducted by JTMM (Rajan Mukti) this year. A medicine businessman Rajaram Kaapar, 35, of Singhyahi VDC-2 was abducted by JTMM (Rajan Mukti) cadres from Singhyahi bazaar while he was returning home on 6 August. He was released four days later.

By Madhesi Mukti Tigers

As many as seven persons were abducted by Madhesi Mukti Tigers this year. MMT cadres abducted police constables Suresh Kumar Raut, 31, of Basatpur VDC-1, Parsa and Santosh Singh of Shishwa Kataiya VDC-4, who were both deputed at area police office Laharpatti, on 2 March. They were released from Bhuchakrapur VDC in Dhanusha district on 7 March in the presence of INSEC representative Roshan Dip Dhakal.

Dr. Brij Mohan Rajak, 42, and

health worker Sumit Kumar Sharma, 31, of Goushala VDC-2 were abducted by MMT cadres on 22 April. They were released two days later.

By SJTMM

As many as five persons were abducted by SJTMM this year. Man Bahadur Lama, 25, Bikram Lama, 28, Kaila Lama, 31, and Bir Bahadur Lama, 27, of Begnadabar VDC-8 in Dhanusha district were abducted by MMT cadres from Harinmari VDC-9 while they were on their way to sell logs on 8 March. They were released the next day.

By Unidentified Group

As many as 14 persons were abducted by unidentified group this year. Rameshwar Yadav, 25, of Mahadaiya Tapanpur VDC-3, was abducted by an unidentified group from home on 10 February. He was released two days later.

Health worker Punit Sah, 42, of Kishan nagar VDC-4 was abducted by an unidentified group on 10 December. He was released from Bateshwor Bazaar in Dhanusha on 18 December.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

District chairman of Madhesi

Table : 3
Based on statistics 'By Non-State'
mentioned in Table : 1

Types of Event	By Unidentified Group			
	No. of Events	Male	Female	Total
Killing	8	7	1	8
Injured	6	8	8	16
Abduction	14	14		14
Total	28	29	9	38

Student's Front Satyendra Yadav of Bathnaha VDC-1, TMDP cadres Pankaj Sharma, Saroj Singh, Ranjit Raj 'Madhesi', Birendra Sah, Sunil Sah, NSP cadres Sudip Jha and Dipu Sharma were injured in a clash with police while they were protesting the arrival of NC leader Sher Bahadur Deuba at Jaleshwar on 5 February.

Santosh Mahato, 23, of Suga VDC-6, Kalam Rain, 25, and Rakesh Kumar Singh of Banauli VDC-1, Suresh Kumar Paswan, 35, of Jaleshwar municipality-2, Bibek Jha of Bathnaha VDC-6, Rakesh Raut of Parsapathaili VDC-4, and Gyaneshwar Karn, 31, of Ankar VDC-8 were injured during the Madhes movement at Jaleshwar on 17 February. All of the injured were hit by rubber bullets and were treated at Jaleshwar hospital.

RIGHT TO PROMPT AND FAIR TRIAL

242 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Similarly, 210 criminal cases, where the individual is plaintiff, were filed this year. Among the total 452 criminal cases, where the individual is plaintiff, 38 cases were decided and 414 cases remained undecided by the end of this year.

71 criminal cases were brought forward from the last year. Similarly, 71 criminal cases were filed this year. Among the total 142 criminal cases, 11 cases were decided and 131 cases remained undecided by the end of this year.

1190 civil cases were brought forward from the last year. Similarly, 958 civil cases were filed this year. Among the total 2148 civil cases, 278 cases were decided and 1870 cases remained undecided by the end of this year.

CHILD RIGHTS

Cadres of Madhesi Mukti Morcha abducted Ajay Mahato, 6, of Pashupatinagar VDC-3 on 27 January, accusing his father of spying against them. The child was released three days later.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Johara Khatun, 33, of Parsadewad VDC-8 was expelled from home by her husband Habib Momin, 41, on 26 August after he married a second wife.

ALL KINDS OF RACIAL DISCRIMINATION

25 households of Chamar community of Nainhi VDC-8, including Garbha Mahara, 35, Sitai Mahara, 32, Devlal Mahara, 41, were embargoed by Suresh Yadav, 38, Kulananda Yadav, 45, Bitan Yadav, 38, Nandu Yadav, 42, and Bijaya Mandal, 39, of the same place for 10 days from the 6 October on the charge of not beating drums during the festival of Dashain. The embargo was lifted after the men belonging to the so-called upper caste apologized to the people from Chamar community in a village court organized at the local police post on 16 October.

2.3

Sarlahi



Population : 777,568

Literacy(%) : 45

Women Literacy(%) : 35

Area(Sq. Km.) : 1,259

Number of VDC(s)/Municipality(ies) : 99/1

Number of School(s) : 321/24

Campus(es)/Higher Secondary School(s) : 3/8

Hospital(s)/Health Post(s) : 1/103

Human Development Index : 0.408

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By JTMM-J

Karna Bahadur Bishwakarma, 21, of Bhaktipur VDC-2 was shot dead by JTMM-J cadres in the compound of Saagarnath Forest Development Project office in Gauri Shankar VDC-9 on 1 February. Bishwakarma, who was working as a guard at the office, was killed on charge of spying against the JTMM-J.

By TCF

An employee at Hariwan Indu Shankar Sugar Factory Gyan Prasad Rijal, 31, alias Prakash of Jabdi VDC-9 was shot dead while he was returning home on 29 December. Rijal was declared dead upon

arrival at the hospital in Birgunj. JTMM (Rajan Mukti) claimed responsibility for the killing. Police arrested Rijal's step-brother Narayan Rijal in connection with the murder. Tarai Comando Force cadres Dashain Chaudhary, 25, of Jabdi VDC-4 and Shiva Bihari Chaudhari, 27, of Haripur VDC-3, who were arrested from the incident site, admitted killing Rijal to the police.

By Abandoned Bomb

Rajani Sahani, 6, of Khairwa VDC-3 died in a socket bomb explosion at home on 20 July. Kajal Sahani, 7, Aasha Sahani, 8, and Bijaya Sahani, 45, were also injured as Rajani touched the bomb taking mistaking it for a plaything. The injured were treated at Chitwan-based Bharatpur hospital.

By Unidentified Group

As many as 13 persons were killed by unidentified group this year. Shambhu Prasad Singh, 48, of Balara VDC-8 was shot dead by an unidentified group near the election centre stationed at Gadaiya VDC Secondary School on 10 April. Singh had filed a candidacy as an independent candidate in the CA elections. Relatives of Singh filed a complaint against five men including CA member Shiva Pujan Ray of MJF, but MJF refuted the charge.

Ayub Ansari Mohammad, 24, of Baspiti VDC-3 in Mahottari district was shot dead by an unidentified group while he was having meal at a house in Chhataul VDC-8 on 19 July. Mohammad was a labourer by profession.

INJURED IN SHOOTING/EXPLOSION

By Tarai Army

As many as 11 persons were injured by Tarai Army this year. Kishun Dev Ray, 37, Ananda Bihari Shrivastav, 55, Rajendra Thakur, 40, of Musaili VDC-8, Chandrika

Table : 1

Types of Event	By Non-State							By State			
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	19	13	10	23							
Injured	19	33	5	38				1	5		5
Arrest & Torture								1	3		3
Beatings	4	4		4	1	1	1	4	11	2	13
Right to Assembly								1	3		3
Racial Discrimination	1		1	1							
Women Rights	4		6	6				1		1	1
Child Rights	2		2	2							
Abduction	15	15		15							
Total	64	65	24	89	1	1	1	8	22	3	25

Prasad Singh, 50, Devraj Kapar, 30, Ram Binay Ray, 50 and Bhikhari Pandit, 34, were injured in an explosion at the premises of Malangawa municipality-10 based Land Reforms Office on 1 June. Tarai Army cadres had detonated a cylinder bomb in the office. The injured were treated at district hospital Malangawa and Om Nursing Home in Kathmandu.

By DJP

Laxmi Gautam, 45, of Hariaun VDC-2 was seriously injured when cadres of Dalit Janajati Party hurled a petrol bomb at the truck she was travelling in on 29 February. Gautam who was in the front seat of the truck sustained an injury to her left eye as the DJP cadres hurled the bomb towards the truck at a road in Netragunj VDC-6. The DJP cadres had attacked the truck for defying the *chakkajam* called by them.

By Tarai Cobra

As many as eight persons were injured by Tarai Cobra this year. Sunil Mishra, 20, Lal Babu Sah, 72, and Sunil Mishra, 20, of Malangawa Municipality-8 were injured when a socket bomb

went off at the bus park in Malangawa municipality-9. Tarai Cobra claimed responsibility for the incident.

Babita Sah, 7, Sita Sah, 5, and Rahul Sah, 3 of Malangawa municipality-8, Nitesh Thakur, 12, of Jamuniya VDC-9, and Prawachan Thakur, 16, of Khutauna VDC-7 were injured in an explosion at Malangawa Municipality-9 on 28 December. The explosion occurred when Babita hit a black plastic bag in which the socket bomb was kept. The injured were treated at district hospital. The siblings- Babita, Sita and Rahul, received 1,500 rupees from the DAO for medical treatment.

By Unidentified Group

As many as 11 persons were injured by unidentified group this year. Bus driver Lalit Bahadur Thapa was injured when an unidentified group hurled a petrol bomb at the bus he was driving on 19 February. The group attacked the bus at a road section in Netragunj VDC-6 along the Mahendra Highway.

Rabi Bahadur Khadka, 70, of Hariaun VDC-9 was shot and injured by an unidentified group on 18 July. He was treated in Birgunj.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM			By JTMM-J			By TA			By TCF		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing				1	1	1				1	1	1
Injured	2	4	4				2	11	11			
Child Rights												
Abduction												
Total	2	4	4	1	1	1	2	11	11	1	1	1

By Abandoned Bomb

Ajay Mandal, 10, of Dumariya VDC-2 was seriously injured when a socket bomb he had brought home went off on 13 September. He had found the bomb beside a lake near his home. The child was immediately taken to Majorgunj, India for treatment.

JAIL AND DETAINEES

The 'C' grade District Jail has the capacity for 75 male and 25 female inmates. By the end of the year, there were 55 convicts including one female convict, and 66 male and two female detainees. Facilities of TV, newspapers, radio and sports goods are provided to the inmates. A library has been established for the inmates. They are taken to district hospital and other medical facilities for treatment. The prison building destroyed in Maoist attack on 6 April 2006 was under construction.

DISAPPEARANCE/ABDUCTION**By YCL**

Mohan Singh Waiba, 30, of Narayankhola VDC-6 was abducted by YCL cadres from home on 5 September for holding different political beliefs. Youth Force cadres released him from the same place two days later.

By JTMM-G

Ranjit Khadka, 40, of Murtiya VDC-7

was beaten and abducted by JTMM-G cadres from home on 26 February. He was released three days later from Gair Bazaar in Kabilasi VDC. JTMM-G said that he was abducted for investigation regarding the encroachment of land belonging to school by him. Khadka said that the group had abducted his father along with him demanding ransom, but released him on the way.

By MMT

UML cadre Shankar Sah Teli, 45, of Sisout VDC-4 was abducted by MMT cadres from home on 6 March. The group also looted property worth Rs 50,000 from his house and fired in the air. A former chairman, Teli was released from a neighbouring place in India on 16 March.

By Unidentified Group

As many as 11 persons were abducted by unidentified group this year. Ram Chavilal Sah, 45, of Narayanpur VDC-3 was abducted by an unidentified group from home on 3 March. He was released two days later. He declined to make any comment regarding the abduction.

Nagendra Sah, 40, of Harkathawa VDC-9 was abducted by an unidentified group from home on 14 August. Police rescued Sah from Dharmapuraa VDC in Rautahat on 19 August.

Table : 3
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By TC				By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	2	6	2	8	9	6	7	13
Injured					9	10	1	11
Child Rights					1		1	1
Abduction					11	11		11
Total	2	6	2	8	30	27	9	36

complaint at the area police office the next day.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

CA election candidate from Dalit Janajati Party Raja Ram Paswan, 35, a resident of Netragunj VDC-2 was beaten

by TMDP cadres on 10 April. Paswan said that TMDP cadres at Haripurwa polling centre in Sundarpur Choharwa VDC beat him when he went there after learning about their booth capture. He was treated at Barahathawa health post. Protesting at the incident, cadres of Dalit Janajati Party vandalized the Barahathawa market.

RIGHT TO PROMPT AND FAIR TRIAL

609 civil and criminal cases were brought forward from the last year in the district court. Similarly, 1200 civil and criminal cases were filed this year. Of which 963 cases were decided and 846 cases remained undecided by the end of this year.

743 out of 1392 civil cases were decided this year while 220 out of 417 criminal cases were decided this year.

CHILD RIGHTS

Aawadhesh Ray, 13, of Mahinathpur VDC-6 was abducted by an unidentified group on 26 May. The child was released from Dumariya VDC-4 in Rautahat district on 4 June.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Chathiya Devi Chamain, 40, of Parsa VDC-3 was beaten by Kailas Mahara Chamar, Aautar Mahar Chamar, Anandi

THREATS/BEATINGS

By State

As many as 13 persons were threatened by State this year. Raj Kumar Bohara, Singha Bahadur, Sanju Panta and Rakesh Lama were beaten up by police inspector Sudarshan Neupane deputed at Sundarpur Choharwa Base Camp on 22 February who accused them of being robbers. The victims were members of Guransh Community Forest Users Group Dhungrekhol, and all three were beaten while they were on their way to guard the forest. Federation of Community Forest Users Group demanded action against the police officer and organised a press conference.

By Maoists

Ram Hridaya Mahato, 30, of Hajariya VDC-9 was severely injured when Maoist cadres beat him up on 25 June accusing him of misbehaving with a woman. Maoist cadres including Rakesh Sah, Pragash Mahato and Badri Ray thrashed him after taking him to Maoist village committee office in Hajariya. Mahato sustained injuries to the head and all over the body. He was treated at the primary health post Barahathawa. Maoist cadres had called Mahato and his father after they filed a complaint at the Maoists' party office. No action was taken against the Maoist cadres, although Mahato filed a

Devi Chamar and Sita Devi Chamain of the same place on 8 August on the charge of being a witch. The victim filed a complaint against the four, but no action was taken against them.

A 33-year-old woman of Haripurwa VDC-7 filed a complaint against Indul Musahar, 35, and Chalittar Musahar of Dhankoul VDC-1 on 15 September saying that they had gang-raped her while she was returning home after grazing cattle. No action was taken against the two since they had fled the village.

Sukumari Bot, 34, of Karmaiya VDC-3 was gang raped and later killed by an unidentified group on 9 October

ALL KINDS OF RACIAL DISCRIMINATION

Bimala Pariyaar, 22, of Murtiya VDC-1 was beaten and garlanded with shoes by Krishna Maya Gurung, Urmila Shahi, Maya Mikchan, Usha Gurung, Durga Shrestha and Dipan Maya Tamang of the same place on 1 December. The attackers accused her of helping her brother to elope with a girl of 'upper caste'. They also took her around the village after garlanding her with shoes. Police arrested the perpetrators after the victim filed a complaint at the District Police Office Malangawa on 8 December. The perpetrators, who were charged under the Public Offence Act, were released on bail on 11 December.



2.4

Sindhuli



Population : 333,816

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 2,491

Number of VDC(s)/Municipality(ies) : 53/1

Number of School(s) : 494/15

Campus(es)/Higher Secondary School(s) : 3/20

Hospital(s)/Health Post(s) : 1/55

Human Development Index : 0.469

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION By Abandoned Bomb

Kishan Lal Adhikari, 11, of Tandi VDC-2 was injured in a bomb explosion on 1 March. The child was injured when he hit the pipe bomb with a stone after finding it in a market near the village. A local, Dambar Karki, informed INSEC that the child's left palm and fingers were shattered by the explosion. He also sustained an injury to his left leg. The child was taken to the district hospital after initial treatment at a local health post.

JAIL AND DETAINEES

The District Jail of Sindhuli has the capacity to accommodate 25 inmates. However, 70 inmates were detained in the jail by the end of this year. Of whom,



Table : 1

Types of Event	By Non-State								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	6	5	1	6							
Injured	4	14		14							
Arrest & Torture									1	1	1
Beatings	7	8	2	10	3	4	1	5			
Threats	2	1	1	2							
Racial Discrimination	2	2		2							
Women Rights	27		27	27							
Child Rights	3		3	3							
Economic, Social and Cultural Rights	1	1	1	2							
Inhuman Behaviour	1	1		1							
Abduction					2	1	1	2			
Total	53	32	35	67	5	5	2	7	1	1	1

three women and 29 men were convicted whereas a woman and 40 men were accused.

The dilapidated building of District Jail seeps from the roof. The inmates find it hard to sleep during the night due to lack of space. Leader of the inmates Ganesh Ghimire said that they had to queue for a long time to use the drinking water and toilet. The inmates commented that the medical facility provided in the jail is not adequate. They are only provided with basic medicines. A library has been set up in the jail with the support of ICRC.

THREATS/BEATINGS

By Maoists

As many as five persons were injured by Maoists this year. Lok Bahadur Bishwakarma of Ranibas VDC-4 was beaten by Maoists combatants of the same VDC-based Solu Salleri Brigade on 26 March on charge of campaigning against the Maoists in the CA elections. UML district vice-secretary Khadga Chettri said that they also accused him of not supporting Maoists.

By NC

Maoists cadre Tirtha Bahadur Thapa of Jhangajholi Ratmata VDC-7 was beaten by Nepali Congress cadres while he was heading to Kathmandu on 6 April. The NC cadres beat him accusing him of being involved in the beating of NC cadres at Kotgaun the same day. They handed over Thapa to police after bringing him to Ratmata. Thapa was taken to Kathmandu in a helicopter the same day.

By UML

As many as seven persons were injured by UML this year. YCL cadres Bhaktinath Bastola of Sirthouli VDC-4 was beaten by UML cadres at the polling centre stationed at a primary school Pancharukhi on 10 April on charge of carrying a home-made pistol.

ARBITRARY ARREST

Barna Bahadur Bishwakarma, 33, of Hatpate VDC-7 was arrested by area police office Dakaha on 15 August on charge of beating a local woman. Bishwakarma was given an arrest warrant only three days later and sent to district

police Sindhuli on 18 August. He was released on bail the same day after initiations were taken by different political parties, INSEC representative and Dalit Sewa Sangh. Police informed INSEC that they had held him for his own security. Bishwakarma was arrested following a complaint from the mother of a Maoists 'martyr' Keshab Bishwakarma.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

The CA elections campaign team for NC was attacked by Maoist cadres at Kotgaun in Jhangajholi Raatmataa VDC-7 on 6 April. Seven NC cadres including Balaram Acharya of ward no. 2 of same VDC was injured in the Maoists attack. The injured were airlifted to Kathmandu for treatment.

RIGHT TO PROMPT AND FAIR TRIAL

20 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Similarly, 16 criminal cases, where the individual is plaintiff, were filed this year. Among the total 36 criminal cases, where the individual is plaintiff, 29 cases remained undecided by the end of this year.

13 criminal cases were brought forward from the last year. Similarly, 16 criminal cases were filed this year. Among the total 29 criminal cases, 23 cases remained undecided by the end of this year.

27 civil cases were brought forward from the last year. Similarly, 14 civil cases were filed this year. Among the total 41 civil cases, 31 cases remained undecided by the end of this year.

Among the total 106 cases including criminal case, where the individual is

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Injured	1	7	7	1	6	6
Beatings	2	2	2	1	3	3
Total	3	9	9	2	9	9

plaintiff, criminal case and civil case, 83 cases remained undecided by the end of this year.

There is a criminal case, where the individual is plaintiff, and a civil case that have not been decided for two years.

CHILD RIGHTS

A 16-year-old girl of Kamalamai municipality-2 was raped by Madan Bahadur Waiba, 41, of the same place while she had gone to observe the *Deusi Bhailo* celebrations in the Tihar festival on 4 November. Police said the perpetrator, who had also gone with the girl to observe the festivities, forcibly took her towards a jungle and raped her. The victim was a tenth grader at the local Barandevi secondary school. The perpetrator was remanded in custody on 26 November following the District Court's order.

Kancha Bishwakarma, 3, of Mahadevsthan VDC-3 died after his step-mother Fulmaya Bishwakarma, 30, beat him for annoying her while she was having a meal on 23 December. Police informed INSEC that the child died due to excessive bleeding from nose and face as he was pushed into a pillar by Fulmaya. Police arrested Fulmaya for further investigation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Uma Pokharel, 21, of Hatpate VDC-6 was repeatedly accused of



practicing witchcraft by her husband Kapil Kafle and mother-in-law Tulasa Kafle. Unable to cope with the Tulasa's inhuman behaviour towards her, Uma left for her maternal home on 19 April. Locals said that Tulasa accused her daughter-in-law Uma of chanting spells on villagers who fell ill. A local journalist Rekhraj Dahal said that Tulasa fell unconscious when Uma's relatives tried to black paint the face of Tulasa on 27 May. He informed INSEC that Uma's husband apologised for his behaviour towards Uma and that Uma had been staying in her maternal home.

Dor Bahadur Karki, 18, alias Santosh of Kamalamai municipality-4 attempted to rape a 21-year-old woman of the same place while she went to cut grass in the Devasthan jungle on 28 July. Karki has been sent to jail following the court's order on 12 August.

Domestic Violence

Muna Tamang, 24, of Amale VDC-3 was expelled from home by her father-in-law Prem Bahadur Bomjan and brother-in-law Nima Tamang on 2 November. Muna said that her in-laws denied her husband's property to her after he became mentally ill while working as a policeman. She added that they refused to sign for her citizenship and birth registrations of her children. Although Muna filed a complaint at a community service centre requesting assistance in gaining her property share on 6 November, the centre informed INSEC that its effort settle the matter failed.

Polygamy

Karna Bahadur Moktan, 27, of Bhimsthan VDC-7 married a woman of Kamalamai municipality-7 on 25 May despite already having a wife at home. The first wife of Moktan Meena Tamang said that he married his second wife after taking her to her maternal home. Moktan, who was working abroad for three years,

remarried a when he came back. Meena had filed a complaint against her husband at a community service centre on 1 June seeking action against him, but the centre informed INSEC that the case couldn't go further as Moktan did not reported when called for discussion.

2.5 Ramechhap



Population : 234,046

Literacy(%) : 55

Women Literacy(%) : 30

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 55/0

Number of School(s) : 411/5

Campus(es)/Higher Secondary School(s) : 2/10

Hospital(s)/Health Post(s) : 3/53

Human Development Index : 0.434

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION

As many as two people were injured in shooting/explosion this year. Sita Majhi, 40, and Sukmaya Majhi, 45, of Manthali VDC-5 of Manthali VDC-5 were injured in a mine explosion at Mandthali VDC-6 based Narayanit Dal Battalion of Nepal Army on 4 June. The lower part of Sita's

Table : 1

Types of Event	By Non-State								By State			
	By Others				By Maoists							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	2	1	1	2								
Injured					2	4		4	1		2	2
Arrest & Torture									1	1		1
Beatings	11	15	2	17	23	46	11	57				
Threats	10	16	1	17	22	31	3	34				
Right to Assembly	2	4		4	11	21		21				
Racial Discrimination	3	1	4	5								
Women Rights	6		9	9	1		1	1				
Child Rights	6	1	5	6					1	4		4
Economic, Social and Cultural Rights	4	4		4	2	3		3	1	1		1
Abduction	4	14	3	17	4	10		10				
Total	48	56	25	81	65	115	15	130	4	6	2	8

left leg was mutilated in the explosion while Sita was hit by shrapnel in the face. The explosion happened as Majhi entered the restricted zone of the army area fenced with barbed wires to cut grass. Sita was airlifted to Kathmandu in an army chopper and Sukmaya was taken to Kathmandu by ambulance.

JAIL AND DETAINEES

There are four accused and 40 convicted inmates in the jail at the end of the year. Among them, one accused and three convicted inmates are women. The inmates demanded more toilets in the jail. There is a need to build another building due to the dilapidated condition of the jail.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as 10 persons were abducted by Maoists this year. 12 UML cadres, including Dharma Bahadur Khatri, 28, Udaya Khatri, 30, Raju Khatri of Pakarbas VDC-9; Shambhu Karki, Hari Karki of ward no. 6; Bishnu Shrestha of ward no. 7 were abducted by Maoists

cadres from their homes on 29 March. Accusing them of actively participating in the election assembly organized by UML in Pakarbas VDC on 28 April, the Maoists cadres surrounded their homes from early mornings and abducted them. A team of APF released them the same evening from the YCL office in the same VDC.

By YCL

As many as 16 persons were abducted by YCL this year. UML Pakarbas VDC secretary Tulsi Das Shrestha, 36, of Pakarbas VDC-6 was abducted by YCL cadres from home on 18 January on the charge of inciting people against the Maoists. Although police rescued him from Sathimure in Bhatauli VDC the same evening, YCL cadres held him until the next morning. Shrestha was also beaten in YCL captivity. No action was taken against the YCL cadres.

THREATS/BEATINGS

By Maoists

As many as 91 persons were threatened/beaten by Maoists this year. INSEC Ramechhap district representative

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	UML			YCL					Unidentified		
	No. of Events	Male	Total	No. of Events	Male	Female	N/A M/F	Total	No. of Events	Female	Total
Killing									1	1	1
Beatings	2	2	2	8	12	1		13			
Threats				6	8			8			
Right to Assembly				2	4			4			
Economic, Social and Cultural Rights				3	3			3			
Abduction				3	14	2		16			
Total	2	2	2	22	41	3		44	1	1	1

Nawaraj Pathik, also editor of the local New Nayan Weekly, was threatened by Maoists cadre Bimal Dhungel on 4 March. Dhungel threatened Pathik, 35, at Manthali Bazaar that he would break his leg for publishing a news item www.inseconline.org regarding the Maoists' taking money from businessmen to file a tender form. New Nayan Weekly had also published an editorial on the same news. Maoist district in-charge Rajan Dahal also threatened to break the back of Pathik over the same issue. Maoists-affiliated Jana Pushpa weekly had published the news of Dahal's threat to Pathik and a local journalist Badri Nayaghare.

CA election candidate from UML Dev Shankar Poudel, district committee member Chitra Karki, Shanti Prasad Poudel, Kul Bahadur Darji, ANNFSU district chairman Dipak Karki, vice-chairman Manoj Karki, UML cadres raju Karki, Bikram Sunuwar, Umesh Poudel and Padam Khatri were injured when Maoist cadres attacked them at Priti VDC-2 on 12 March. UML said Maoist cadres led by Nikash attacked the election campaign team of UML and also looted cash and campaign materials. Eight injured victims were airlifted to Teaching Hospital

Kathmandu for treatment while the rest were taken there by ambulance.

By YCL

As many as 21 persons were threatened/beaten by YCL this year. Coordinator of National Election Monitoring Alliance (NEMA) Ramechhap Gyan Bahadur Khadka, 45, of Namadi VDC-5 and a teacher Dor Bahadur Khadka, 46, of ward no. 4 were seriously injured when a group led by Maoists district member Madan and YCL district in-charge Prem Karki alias Sewak beat them at home on 5 April, accusing them of campaigning for UML. Both injured were airlifted to Kathmandu in a helicopter. UML cadre Raj Kumar Khadka of ward no. 6 was also beaten by Maoist cadres the same day. All of the injured have returned to the district after their treatment.

By UML

As many as two persons were threatened/beaten by UML cadres this year. Maoists cadre Keshav Kandel, 30, of Tokarpur VDC-1 was injured when UML cadres attacked him at Tokarpur VDC-4 on 9 April. UML cadres attacked him after a dispute erupted between the UML team which was heading towards Tokarpur from

Singarche and Kandel. Injured Kandel was airlifted to Kathmandu for treatment.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Treasurer of NC Krishna Mahat, NC cadres including Tikaram Lama were made to return from Pipaldip in Nagdaha VDC-7 by Maoist cadres on 18 March as they were heading towards Dhobi Bazaar in Bijulikot VDC to participate in an NC election programme. Although NC district leaders had previously discussed with the Maoist leaders who agreed to allow them to participate in the NC programme. The Maoist cadres, who were holding lathis, replied that the area was their base and they would not allow the NC cadres to enter despite chairman Prachanda's order.

CA election candidate Dhawa Lama was barred from entering Nigalpani in Majhuwa VDC-7 when he arrived there along with his campaigning team on 20 April. Maoist cadres had threatened all parties not to campaign inside the village.

RIGHT TO PROMPT AND FAIR TRIAL

48 criminal cases were brought forward from the last year in the district court. 38 criminal cases were filed this year. Of which 25 cases were decided and 61 cases remained undecided by the end of this year.

55 civil cases were brought forward from the last year. 30 civil cases were filed this year. Of which, 9 cases were decided and 76 cases remained undecided.

CHILD RIGHTS

A 12-year-old girl of Priti VDC-3 was raped by Aaite Sunuwar, 49, of ward no. 2 of same VDC on 8 August. According to police, Sunuwar had raped the girl

while she was walking alone on the road. Area Police Office Priti arrested Sunuwar the same day and sent him to the DPO Ramechhap. Sunuwar was in the custody of DPO by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

China Devi Khadka, 80, of Gelu VDC-2 was beaten by Bharat Karki of the same place on 11 November on charge of practising witchcraft. Khadka said that the inebriated Karki dragged her by the hair accusing her of making his wife ill. Karki had also attacked her with a metal water container and had punched and kicked her. She sustained blue marks all over her body. Police informed INSEC that they had initiated an investigation after the victim filed a complaint on 14 November.

Trafficking

Locals nabbed Sita Nepali, a resident of Ghoksila, Sindhuli, from Sunarpaani VDC on 17 October on charge of trafficking two women from Sunarpaani VDC. The two women had informed their parents that Nepali was luring them with the promise of jobs. Maoists took statements from Nepali at their office in Manthali. The locals defied the Maoists' decision after it gave the verdict that the two women who were lured should also be punished. They then handed over Nepali to the DPO the same evening. Police released Nepali two days later after taking her statement.

Domestic Violence

Mira Basnet, 28, of Saalu VDC-1 was severely beaten by her husband Rajendra Basnet, 33, on 18 September. Rajendra, who frequently beat her, bashed her in the face and other parts of the body that day. He finally stopped after she fell

unconscious. Mira's family brought her to district headquarters based Tamakoshi Community Hospital the next day for treatment. Mira sustained blue marks all over her body and she was unable to move her neck for days.

Polygamy

District secretary of All Nepal Teacher's Association-Revolutionary (ANTA-R) Bed Bahadur Shrestha, 34, married Gita Shrestha, 21, on 10 May despite already having a wife and children. Although Maoists stated that they were being held at a Maoist cantonment, the couple was seen frequently in the district. The locals placed an embargo on the couple stating that Bed Bahadur had married Gita, who is actually his niece.

ALL KINDS OF RACIAL DISCRIMINATION

Maina Tamang, 30, Fulmaya Tamang, Gunja Bahadur Tamang of Bijulikot VDC-6; Sangmaya Tamang, 45, Shakuntala Tamang, 53, Nima Tamang, 33, Sangmala Tamang, 57, of ward no. 9 were injured when a group of Maoist cadres Gopal Raj Tamang, Man Bahadur Tamang and YCL cadres Hiralal Tamang of the same VDC beat them after a dispute over untouchability. A local womens group had protested against the Maoists after they allowed the group belonging to Damai community who had come to beat drums in the marriage of local man Ambar Bahadur Tamang's daughter to enter inside his house. Locals and people from the groom's side had returned without eating meals following Maoist's behaviour. Maoists had in turn attacked the women. Among the injured, Maina was treated at Manthali-based primary health post. Her husband Singh Bahadur informed INSEC that she had sustained an injury to the right palm of her hand after YCL cadre Hiralal attacked her with knife.

Two Maoists cadres were also injured in the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Building constructors were not allowed to register their tender forms in the Manthali city development committee office on 29 February after YCL cadres picketed the office. The office had asked for tender forms from various constructors in order to construct a commercial building in Manthali Bazaar Rs 10 m. The final date to submit the tender forms was 29 February. YCL cadres picketed the office from 27 February during office hours. Constructors who had already filed their tenders were made to take back their forms.

2.6 Dolakha



Population : 232,797

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 2,191

Number of VDC(s)/Municipality(ies) : 51/1

Number of School(s) : 376/12

Campus(es)/Higher Secondary School(s) : 3/10

Hospital(s)/Health Post(s) : 1/54

Human Development Index : 0.450

Average Household Size : 6

Types of Event	By Non-State							
	By Others					By Maoists		
	No. of Events	Male	Female	N/A M/F	Total	No. of Events	Male	Total
Killing	6	3	3		6			
Injured	3	3			3	2	3	3
Beatings	10	11	3		14	5	6	6
Right to Assembly						1	4	4
Women Rights	7		7		7			
Child Rights	2		1	1	2			
Inhuman Behaviour	1		1		1			
Total	29	17	15	1	33	8	13	13

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The District Jail of Dolakha has the capacity to detain 35 inmates. It contained 23 accused men and two convicted women and six convicted men at the end of the year. Facilities of radio, television, newspapers and indoor sports were provided to the inmates.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Jagat Subedi, 34, and Kamal Prasad Subedi, 40, of Bhimeshwor municipality-3 were injured when Maoists cadres Krishna Bahadur Thami, 21, Ram Chandra Thami, 23, Devendra Thami, 17, and Surendra Thami, 17, of the same VDC attacked them with stones on 26 April as they were campaigning for elections. The injured were treated at local health posts.

RIGHT TO PROMPT AND FAIR TRIAL

43 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 13 cases were decided this year and 30 cases remained undecided. Similarly,

29 criminal cases, where the individual is plaintiff, were filed this year. Of which 6 cases were decided this year and 23 cases remained undecided.

15 criminal cases were brought forward from the last year. Of which 6 cases were decided this year and 9 cases remained undecided. Similarly, 16 criminal cases were filed this year. Of which three cases were decided and 13 cases remained undecided.

68 civil cases were brought forward from the last year. Of which, 14 cases were decided this year and 54 cases remained undecided. Similarly, 49 civil cases were filed this year. Of which, four were decided and 45 remained undecided by the end of this year.

CHILD RIGHTS

Indira Nepali, 18, of Jiri VDC-9 dumped her infant child in a jungle near her home on 30 September. Nepali was remanded to jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 21-year-old woman of Maagapouwa VDC-5 was expelled from

her village by Pradip Shrestha, 36, Yumin Shrestha, 27, and Purna Bahadur Shrestha, 29, of the same place on 29 March. They shaved her hair after alleging that she was having a sexual relationship with a businessman who had taken shelter in her house. A compromise was made between the two sides at the DPO after the men admitted that they were at fault and promised not to repeat such action.

A hearing impaired woman of Jhule VDC-3, a permanent resident of Padampokhari VDC-9 in Makwanpur district, was raped by Ganga Bahadur Karki, 35, of the same place on 18 July. Sharmila Thapa of HURADEC Nepal filed a case against Karki on the victim's behalf. Karki was released following the District Court's order.

Domestic Violence

Fatika Laxmi Shivakoti, 52, of Sunkhani VDC-9 was injured after her brother-in-law Haribansa Shivakoti, 44, of the same place attacked her with a *khukuri* on 5 November on property dispute. Haribansa chopped her finger off with a *khukuri* when she went to visit him after hearing that he had fallen ill.

Polygamy

Shailendra Joshi, 39, of Bhimeshwar municipality-2 married Nisha Raj Bhandari of same VDC on 10 August despite already having a wife at home. His first wife Sushila Joshi, 34, filed a complaint of polygamy against him. Shailendra was released on bail after depositing Rs 17,000.

2.7 Rautahut



Population : 677,261

Literacy(%) : 40

Women Literacy(%) : 25

Area(Sq. Km.) : 1,126

Number of VDC(s)/Municipality(ies) : 96/1

Number of School(s) : 299/20

Campus(es)/Higher Secondary School(s) : 3/7

Hospital(s)/Health Post(s) : 1/97

Human Development Index : 0.409

Average Household Size : 6.89

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as two persons were killed by State this year. Central chairman of Tarai Army Koushal Kumar Sahani alias Mister John, 30, of and Mahanta Sahani, 27, Raghunathpur VDC-1 were shot dead by police on 30 August. Police said that the two were killed in crossfire. The police suffered no casualties in the incident. A 9 mm rifle, a home-made pistol, eight rounds of bullets, a mobile and a diary were recovered from the deceased. Police said that the two died when they clashed with a police team at a culvert in the road between Raghunathpur and Jingadiya VDC. The police team was deployed to nab

Table : 1

Types of Event	By Non-state								By State				
	By Others				By Maoists								
	No. of Victims	Male	Female	Total	No. of Victims	Male	Female	Total	No. of Victims	Male	Female	M/F N/A	Total
Killing	14	15	4	19					1	2			2
Injured	18	33	10	43					2	2			2
Arrest & Torture									3	14			14
Beatings					1	1		1	2	4	1		5
Threats					2	1	1	2	1	7	3	14	24
Right to Assembly									2	3		23	26
Women Rights	7		7	7									
Child Rights	4		4	4									
Economic, Social and Cultural Rights	2	2		2									
Inhuman Behaviour	1	2		2									
Abduction	10	14		14									
Total	56	66	25	91	3	2	1	3	11	32	4	37	73

the Tarai Army cadres who had shot and injured Ramprit Sahani of Ragunathpur VDC-1 on 29 August.

By JTMM-J

As many as two persons were killed by JTMM-J this year. No. 4 Military commander of JTMM-J Sri Bhagwan Sah, 32, of Samanpur VDC-6 was shot dead by JTMM-J cadres at the banks of Bagmati River in Pipara Rajwada VDC on 16 March. The JTMM-J cadres had abducted Sah from his home before killing him. Marks of attacks by sharp weapons were also seen on his body. The deceased's body was handed over to his family after post-mortem.

By Tarai Army

As many as five persons were killed by Tarai Army this year. Sanu Mangal Rai, 50, of Sindhuli and Liladevi Kayastha, 65, of Motihari, India died when cadres of the Tarai Army detonated a bomb at the Buspark in Chandranigahapur on 14 June in the evening. Fourteen persons, including four children, were injured in the blast. Roshan Kumar Chaudhary, Ram Kumar

Chaudhary, Asmita Kumari Chaudhary, Munna Kumari Jayaswal, Ban Lumar Chaudhary of Dhanusha; Devi Budathoki, Rekha Baral of Sarlahi; Gyan Bikram BK, 28, of Pourai VDC-1, Daroga Prasad Sah of Patoura VDC and Chandra Prasad Poudel, 30, of Chandranigahapur VDC-4 were among the injured. The injured were taken to Narayani sub-regional hospital Birgunj for treatment after receiving initial treatment at the Chandranigahapur-based primary health post. Chandra Prasad Poudel was sent to Kathmandu for further treatment.

By Tarai Cobra

Dhawal Ray Yadav, 9, of Gaur municipality-2 died when cadres of Tarai Cobra detonated a socket bomb in the Rice Mill area in Gaur municipality-5 on 21 November in the evening. Dhawal's brother Bir Bahadur Ray Yadav, 22, and Swastika Singh, 17, of Gaur municipality-5 were also injured in the blast. Tarai Army had detonated the bomb at the area while a week-long festival was being concluded. The injured were treated at Gaur hospital.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-J				By PA			By TA			
	No. of Victims	Male	Female	Total	No. of Victims	Male	Total	No. of Victims	Male	Female	Total
Killing	2	2		2				2	2	3	5
Injured								6	16	5	21
Women Rights	1		1	1							
Economic, Social and Cultural Rights	1	1		1							
Abduction	4	6		6	2	4	4				
Total	8	9	1	10	2	4	4	8	18	8	26

By Unidentified Group

As many as seven persons were killed by unidentified group this year. Area no. 5 secretary of JTMM-J Khaheeru Dewan, 30, of Laxmipur VDC-1 was shot dead by an unidentified group in a jungle in Kanakpur VDC-5 on 26 September. Dewan was shot in the head. His body was handed over to his family after post-mortem at primary health centre Chandranigahapur.

By Own Bomb

Trilok Pratap Singh alias Pintu Singh, 22 of Saruatha VDC-2, Oosi Akhtar Miya Kawari, 23, of ward no. 9 of the same VDC and an Indian national whose identity was unknown died in an explosion while they were making bombs on 9 April in the night. The explosion occurred when NC district chairman and CA candidate of area no. 2 (CA member now) Mahammad Aftab Aalam hired the three men to make bombs at his house in Farhadawa VDC-4 with the intention of capturing booths in the CA election. Although local witnesses and election candidates of other political parties said that many people were injured in the incident. They claimed that the injured were burnt alive in a brick kiln near the village. Police took no action and claimed that the explosion had not occurred. Although Narayan Singh, father

of Trilok, and Ruksana Khatun, mother of Oosi Akhtar tried to file a complaint against four persons including Aalam, the DPO Rautahat refused to lodge the complaint. OHCHR, NHRC and INSEC had published reports after conducting separate fact finding missions in the incident site. The government lawyer's office Rautahat decided not to proceed further with the case citing lack of evidence even though a complaint was filed at the police office on 30 April at the initiation of human rights organizations including INSEC.

INJURED IN SHOOTING/EXPLOSION**By State**

As many as two persons were injured by State this year. Dipak Mainali, 24, of Judibela VDC-3 was shot and injured by police at Chandranigahapur on 14 October. Police resorted to firing to quell the protest organized by locals against the killing of three persons in the blast caused by Tarai Army and Rastriya Tarai Mukti Sena. Mainali was treated at Narayani Sub-regional hospital in Birgunj after receiving initial treatment at a primary health centre Chandranigahapur.

By Tarai Army

As many as 21 persons were injured by JTMM-J this year. Khem

Table : 3
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By TC				By Unidentified Group			
	No. of Victims	Male	Female	Total	No. of Victims	Male	Female	Total
Killing	1	1		1	5	7		7
Injured	1	1	1	2	7	13	3	16
Women Rights								
Economic, Social Rights and Cultural Rights					1	1		1
Abduction					3	3		3
Total	2	2	1	3	16	24	3	27

Chandra Khandewal, 70, Pawan Kumar, 30, Pramod Karna of Gaur municipality-1 and Parwati Devi, 40, of ward no. 4 of the same municipality were injured when cadres of Tarai Army detonated a socket bomb on 14 May. The bomb went off about 10 minutes after unidentified men left a bag at Rajesh medicine shop in Gaur municipality-1. Among the injured, Khandewal was treated in Birgunj while the rest were treated at Gaur hospital.

By Unidentified Group

As many as 16 persons were injured by unidentified group this year. Jhapasiya Kurmini, 60, Meera Kumari Patel, 10, Samariya Devi Patel of Laukaha VDC-2 and Ram Babu Sah, 37, of Rajpur Farhadawa VDC were injured when an unidentified group shot at them on 30 March. The group of around seven armed men opened fire at them while they were sleeping at their home. Jhapasiya was treated at Narayani Sub-regional Hospital and the rest were treated at Gaur Hospital.

JAIL AND DETAINEES

The "C" grade District Jail has the capacity for 75 inmates. However, there were 95 male and three female inmates at the end of the year. There were also two child dependents. Among them, two

females and 37 males were convicts, and one female and 58 males were detainees.

Jailor Mahendra Das said that two children staying with their mother Krishna Devi Mahato since 3 November in the jail were provided with clothes and an allowance following an order from the District Court.

DISAPPEARANCE/ ABDUCTION

By JTMM-J

As many as six persons were abducted by JTMM-J this year. Krishna Bahadur Thapa, 55, of Chandranigahapur VDC-1 was abducted by JTMM-J cadres on 18 March. The JTMM-J cadres, who came on three motorbikes, abducted Thapa along with his motorbike from his brick kiln at Balchanpur in Dumariya Matiaun VDC-4. Thapa said that he was released from Harsaha in Sakhuwa Dhamaura VDC-7 on 21 March after paying a ransom of Rs 200,000. The JTMM-J cadres had demanded Rs 500,000 for his release.

By NPA

As many as four persons were abducted by the People's Army this year. Forest guards at the District Forest Office Rautahat Thagu Mahara, Surendra Prasad Gupta and Nabin Chaudhary were abducted by cadres of Nepal People's

Army on 13 August. Around 12 cadres of the group abducted them while they were guarding the forest in Gaidatar Range post. They were released three days later from Gaidatar area in the presence of local journalists.

By JTMM-Kishan Singh

Cadres of Kishan Singh-led JTMM abducted the secretary of Dipahi VDC and Jayanagar VDC Bishwanath Prasad Sah, 45, a resident of Dipahi VDC-4, from his home on 30 April on charge of embezzling the VDC fund. Sah was released from Harsaha, Dhamaura VDC-7 on 4 May.

By Unidentified Group

As many as three persons were abducted by unidentified group this year. Dewan Thakur Lohar, 70, of Sonarniya VDC-1, was abducted by an unidentified group from home on 13 February night. He was released at an undisclosed location the next day.

THREATS/BEATINGS

By State

As many as 29 persons were threatened/beaten by State this year. Rautahat reporter of Communication Corner Madan Thakur, 28, of Sangrampur VDC-4, reporter of local Narayani weekly Arun Kumar Yadav, 34, of Pipariya Dostiya VDC-6, reporter of Tarai Kranti weekly Dinesh Dehati, 25, of Mithuawa VDC and a reporter of Crime Care weekly Ramgari Mukhiya, 28, of Gehadi Guthi VDC were injured when police lathi-charged them at Garuda bazaar on 26 February. The journalists said that police beat them even although they showed their identity cards. The journalists were covering the news of clash between the cadres of SLMM and the police. The police beating left Thakur with a broken hand while Mukhiya needed 12

stitches in his head. Police said that the journalists were injured since they could not be separated from the protestors.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Gopal Phuyal, 27, and Bishnu Prasad Phuyal, 30, of Chandranigahapur VDC-3 were beaten and threatened by Maoist cadres led by Buddhi Prasad Timalisina of the same place on 25 March on charge of campaigning for UML. Around 10 Maoists cadres showed black flags to the CA election candidate of constituency no. 6 and UML general secretary Madhav Kumar Nepal while he was conducting a door-to-door campaign in the VDC. The Phuyal duo were beaten by Maoist cadres and threatened not to campaign for UML after they protested the Maoists act. Police arrested Timalisina the same day but released him later in the evening.

RIGHT TO PROMPT AND FAIR TRIAL

1,033 cases were brought forward from the last year in the district court. 735 cases were filed this year. Out of the total cases brought forward from last year and filed this year, 344 were criminal cases, where the individual is plaintiff, 90 were criminal cases and 1334 were civil cases.

266 criminal cases, where the individual is plaintiff, 74 criminal cases and 971 civil cases remained pending at the end of the year.

There are 10 criminal cases, where the individual is plaintiff, 2 criminal cases and 29 civil cases awaiting decision for more than two years.

CHILD RIGHTS

Babita Kumari Yadav, 13, of Karchowa VDC-8, Bara was killed after

being raped by Tapasi Sah Kanu, 32, of the same place at the banks of Lalbakaiya River in Kanakpur VDC on 3 February. The girl's father said that Kanu took her in his bicycle from a fair in Shivanagar saying that he would drop her home. Kanu hacked the girl to death after raping her. A complaint is filed at the DPO Rautahat against Kanu, but he is still at large.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old woman of Nijgad VDC-6, Bara was gang-raped for four days by JTMM-J cadres after being abducted on 18 February. The JTMM-J cadres released four women after molesting them the same day however this woman was not released until four days later. Around 60 JTMM-J cadres thrashed locals and looted goods from a house in Rangapur VDC-5 where a marriage was taking place at the house. The JTMM-J cadres left the women in Gamhariya VDC after noticing the police team which was deployed to search for her on 22 February. Police arrested Uma Shankar Ray Yadav of Mahamadpur VDC-6 and Gopi Raut of Gamhariya Birta VDC-3 on 28 February after the victim filed a complaint against those involved in the rape. Both perpetrators are remanded in custody.

Radhika Devi Telin, 52, of Raghunathpur VDC-5 was manhandled by her neighbours Jokhu Miya, Sarajul Miya, Merajul Miya and Reyajul Miyan on 15

June on charge of practising witchcraft. They also set Telin's house on fire. Although Telin filed a complaint at the DPO the police worked out compromise between the two sides on 25 June.

Domestic Violence

Sangita Devi Sah, 30, of Gaur municipality-3 was beaten by her husband Uday Prasad Sah and her in-laws on 22 June after she brought smaller dowry than was expected. Sangita's father-in-law Bishwanath Prasad Sah, mother-in-law Sripatidevi Sah, sister-in-law Sunita Kumar Sah, brother-in-law Bijay Kumar Sah and nephew Bibek Kumar Sah beat her after locking her inside the home. Neighbours rescued Sangita after learning about the incident two days later and handed her over to the DPO. Her four teeth were broken and she received seven stitches due to the beating. Police released her father-in-law and nephew without taking any action against them even although the neighbours had handed them over to the police.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

18 *bigahas* of land VDC belonging to Ashok Kaaji of Kathmandu was captured by JTMM-J cadres on 5 September. Area secretary of JTMM-J Mister Don said that about eight cadres captured Kaaji's land in Santapur Dostiya VDC because he had exploited people.



2.8

Bara



Population : 706,098

Literacy(%) : 46

Women Literacy(%) : 30

Area(Sq. Km.) : 1,190

Number of VDC(s)/Municipality(ies) : 89/1

Number of School(s) : 365/68

Campus(es)/Higher Secondary School(s) : 2/10

Hospital(s)/Health Post(s) : 1/98

Human Development Index : 0.309

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as five persons were killed by State this year. The Bara-Parsa coordinator of the ATNN Jitendra Tiwari alias Birat Awataar, 35, of Pipravirta VDC-1 died in a clash with police at the Pasaha bridge in Piprajabdi VDC-4 on 6 June, according to police. The deceased's family claimed that the police killed him after arrest. The final rites of Tiwari were performed by his family in his village after a post-mortem at the Kalaiya Hospital.

By JTMM-G

As many as two persons were killed by JTMM-G this year. Khagendra Limbu,

32, of Yangsila VDC-1, Morang, was shot dead by cadres of the JTMM-G at Banjariya VDC-4 on 29 March. An employee at a manpower company, Limbu died on the spot after being shot in head. His wife conducted his last rites in Hetaunda.

By JTMM-J

As many as three persons were killed by JTMM-J this year. An employee at Surya Nepal Simara, Lila Lamichhane, 40, of Dumarwana VDC-8 was shot dead by JTMM-J cadres at the Dhudhauri river in Dumarwana while he was returning home on 18 June. His body was found at around 11 pm. He was shot in his temple. Demanding action against the culprits and compensation, locals obstructed vehicular movement after laying his body on the Simara road. The last rites of Lamichhane were performed at the Dhudhauri river on 21 June after locals reached a compromise with the local administration.

By TJKP

Om Prakash Chaudhary, 26, of Narahi VDC-2, Bara, was shot dead by cadres of the Tarai Janashakti Krantikari Party after being abducted on 22 November. A worker at the Saw mill owned by Jahur Ansari in Jitpur Bhawanipur VDC-3, Chaudhary was abducted while on his lunch break. Police recovered his body, which had bullet wounds in the head and shoulder, near the Taajpur Farm in Parwanipur, Bara the next day. Prakanda of the Tarai Janashakti Krantikari Party has owned up to the incident.

By TMM

Former district coordinator of the Tarai Mukti Morcha Nagendra Pandit Kumhal alias Gourav, 51, of Rouhuwai VDC-5, was shot dead by the Tarai Mukti Mocha cadres on 29 May. He was shot in his temple. His body was found near the Pasaha river on the way to Dakshin

Jhikatiya. The family of Kumhal performed his last rites in the village on 30 May.

By JTMM-Ranbir Singh

Maoist cadre Basi Miya Ansari, 35, of Amritgunj VDC-9 was shot dead by cadres of the Ranbir Singh-led JTMM while he was buying medicine at a drug store in Bishunpur VDC-7 on 17 September. Maoists cadre halted vehicular movement in Kalaiya in protest of the murder. They called off their strike after reaching an agreement with the District Administration Office on 18 September.

By ATMM

A law professional, Jagadish Acharya, 50, of Kalaiya municipality-8 died while undergoing treatment in Kathmandu on 24 May. Acharya was severely injured when cadres of the ATMM shot him on 22 May. Acharya was taken to Kathmandu after receiving initial treatment in the Narayani Sub-regional Hospital in Birgunj. Acharya's relatives performed his final rites in Kathmandu on 25 May. The government provided Rs 1 m to Acharya's family as compensation.

By Others

As many as 10 persons were killed by others this year. A vegetable vendor, Shrawan Kumar Sah, 32, of Kalaiya municipality-6 was shot dead by an unidentified group on 31 January. Sah's body was found near the Tegrahar river in Manaharwa VDC-6.

INJURED IN SHOOTING/EXPLOSION

By Tarai Cobra

The Principal of Panna Devi

Table : 1

Types of Event	By Non-state				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	18	17	2	19	4	5	5
Injured	15	13	7	20			
Beatings	1	1		1			
Women Rights	1		12	12			
Economic, Social and Cultural Rights	5	7		7			
Abduction	10	12		12			
Total	50	50	21	71	4	5	5

Kanya Secondary School in Kalaiya municipality-7, Nirmala Thasineku, 55, of Kalaiya municipality-9 was shot and injured by cadres of the Tarai Cobra at the school on 25 December. Thasineku was treated at the Kalaiya Hospital and the Narayani Subregional Hospital in Birgunj. She is still undergoing treatment at the Teaching hospital in Kathmandu.

By MJKP

A guard at the Pashupathi Kaththa Factory in Jitpur VDC-3, Indra Bahdur Shrestha, was injured when cadres of the Madhes Janamukti Krantikari Party detonated a socket bomb on the factory premises on the night of 24 April. Shrestha was treated at a local drug store.

By SJMM

Sanjiv Chettri, 10, of Kalaiya municipality-5 was injured when he kicked a socket bomb which was placed on a road by cadres of the Samyukta Janatantrik Mukti Morcha in Kalaiya municipality-5 on 29 January. The child sustained injuries to his leg. He was treated in Birgunj.

By TMM

Arjun Raj Puri, 6, of Pahaditol in Jitpur VDC-3 was injured when handling a



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-J			By JTMM-G			By JTMM(Ranbir)			By TMM		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3	3	3	2	2	2	1	1	1	1	1	1
Injured										1	1	1
Beatings												
Economic, Social and Cultural Rights	1	2	2									
Abduction												
Total	4	5	5	2	2	2	1	1	1	2	2	2

sutali bomb placed there by cadres of TMM on 25 October. The child was injured by shrapnel and was treated at the Narayani Subregional Hospital in Birgunj.

By Unidentified Group

As many as 15 persons were injured by unidentified group this year. Laxmi Prasad Neupane, 45, from Haraiya VDC-6 was injured when an unidentified group shot him on 12 March. Neupane was shot in his hand and forehead. He received treatment at the Narayani subregional hospital.

By Abandoned Bomb

Dulariya Devi, 40, her daughter Manturan Kumari, 14, and her granddaughter Sunil Patel, 8, of Sisahaniya VDC-6 were injured when an abandoned bomb that they brought home exploded on 31 October. The injured returned home after receiving treatment at the Narayani Subregional Hospital in Birgunj.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

As many as 11 persons were abducted by unidentified group this year. Om Prakash Pandey, 45, and Hari Narayan Pandey, 24, of Matiarwa VDC-1 were abducted by an unidentified group of eight men from Khaliyan on 1 January. Om Prakash was released the same day

while Hari Narayan Pandey was rescued by police from the Barainiya VDC the next day.

RIGHT TO PROMPT AND FAIR TRIAL

252 criminal cases, where the individual is the plaintiff, were filed this year in the District Court, of which, 36 cases were decided and 216 cases remain undecided.

158 criminal cases were filed by the end of this year, of which 17 cases were decided and 141 cases remain undecided.

1,343 civil cases were filed in court by the end of this year, of which, 217 cases were decided and 1126 cases remain undecided.

CHILD RIGHTS

Aftab Miya, 7, of Maheshpur VDC-2 was abducted by an unidentified group while he was returning home from school on 16 June. The police rescued the child the next day and handed him over to his parents.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Tilawa Devi Yadav, 75, of Kalaiya municipality-2 was killed by Manoj Sah,

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By TJKP			By TC				By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1	1	1					9	9	1	10
Injured				1		1	1	10	9	6	15
Beatings								1	1		1
Economic, Social and Cultural Rights								4	5		5
Abduction				1	1		1	9	11		11
Total	1	1	1	2	1	1	2	33	35	7	42

25, on 8 December allegedly for being a witch. Sah attacked her with a knife. The perpetrator remains at large.

Trafficking

12 women, including Samyukta Khatiwada, Geeta Khatri, Pavitra Raut, Samjhana Pariyaar, Geeta Rokka, Sita Dahal, Samjhana Dhamala, Reema Dahal, Jhal Kumari Dahal, Yam Kumari, of Triyuga municipality from Simara VDC were rescued by police on 3 November from being trafficked to India. Police arrested Jagadish Jha of Triyuga municipality-8 and Loknath Dahal of Triyuga municipality-4 in connection with the trafficking. The two have remained in custody since.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

By Tarai Cobra

Cadres of Tarai Cobra detonated a socket bomb in the house of NC cadre Uddhav Bhattarai in Kalaiya municipality-8 on 29 May. The blast caused damages to the wall behind the house and to the windowpanes.

By JTMM-J

The JTMM-J detonated a bomb at the Nitampur-based Unique Pharma Pvt. Ltd. on 31 March. The blast caused damage to the walls.

By JTMM-Prithvi

Cadres of the JTMM-Prithvi Singh detonated a sutali bomb at the house of UML cadre and former VDC vice-chairman, Mitthu Bharati, of Manaharwa VDC-5 on 11 May. The blast caused damage to the walls of the house and the windowpanes.

By SJTMM

Cadres of the SJTMM torched the Madhyamanchal cold storage in Prasauni VDC-9 by exploding a gas cylinder on 3 February. The storage said that property, worth Rs 10 million, was destroyed in the incident.

By TMM

Cadres of the Tarai Mukti Morcha detonated a bomb at the house of Jitendra Malla, 49, of Motisar VDC-4 on 15 December. Malla was working as a Registrar at the Kalaiya municipality. He said that the blast damaged the property which was worth Rs 100,000.



By TMT

Cadres of the Tarai Mukti Tigers detonated a sutali bomb at the house of Dr. Abdul Rahaman in Kalaiya municipality-14 on 12 February. The blast caused minor damages to the house.

By Unidentified Group

An unidentified group detonated a bomb at the Pashupati Coating Industry Pvd Ltd. in Kalaiya municipality-3 on 25 March. The group of around four men detonated the bomb after taking the guard control. Soap cutting, packing and sleeking machines were damaged in the incident.

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as four persons were killed by State this year. Manoj Kumar Kurmi, 27, of Hariharpur VDC-7, and Indian nationals, Sanjay Prasad Kurmi and Bam Bahadur Chaudhary, died on the spot when police opened fire at them at Chapkaiya in Birgunj Sub-metropolis-9 on 1 January. Police accused them of being accomplices of an Indian criminal named Munna Surma. Seven political parties in the district demanded the suspension of SP Yogheshwar Romkhami within 24 hours, accusing the police of killing the pair after they were arrested. Demanding action against the police; the MJF, TMDP, NSP (Anandi Devi) and the RPP shut down Birgunj for nine days.

By Maoists

Bharat Ram, 34, of Bhikhampur VDC-4 died on 10 July after Maoists cadre beat him. A clash had ensued between Maoists cadre, Shubha Ram, and NC cadre, Bharat Ram, over a political dispute. Bharat died in Kathmandu while undergoing treatment. Prabhu Ram, Shubha Ram, Dharendra Kumar and Kumal Kurmi have been remanded into police custody.

By JTMM-J

As many as four persons were killed by the JTMM-J this year. An employee at Birgunj Branch of Nepal Electricity Authority, Narayan Khadka, 45, from Birgunj Sub-metropolis-16 was shot by JTMM-J cadres while he was returning home from the market on 30 May. Khadka received a bullet injury to his chest and back. He died while undergoing treatment at the Narayani sub-regional hospital in Birgunj. Employees of the Birgunj-based government and non-governmental

2.9

Parsa



Population : 624,501

Literacy(%) : 45

Women Literacy(%) : 30

Area(Sq. Km.) : 1,353

Number of VDC(s)/Municipality(ies) : 82/1

Number of School(s) : 331/26

Campus(es)/Higher Secondary School(s) : 5/8

Hospital(s)/Health Post(s) : 2/38

Human Development Index : 0.448

Average Household Size : 7

Table : 1

Types of Event	By Non-state								By State				
	By Others					By Maoists							
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	10	10	1		11	1	1	1	2	4			4
Injured	27	50	8	47	105				6	7	4	8	19
Arrest & Torture									1	3			3
Right to Assembly									1		1	5	6
Women Rights	3		3		3								
Abduction	7	8			8								
Total	47	68	12	47	127	1	1	1	10	14	5	13	32

organizations took Khadka's body around the city, demanding that he be declared a martyr. Police have not arrested anyone in connection with the murder.

By SJTMM

Branch Manager at the district administration office in Parsa, Mohan Mainali, 52, from Birgunj Submetropolis-12 was shot dead by cadres of the SJTMM on 19 September. Mainali was shot in his chest by the group while drinking tea on Ranighat chok. He died while undergoing treatment at Narayani sub-regional hospital. Employees at various organizations shut down all government and non-government offices on 20 September demanding that action be taken against the culprits, compensation be received by deceased's family and martyr status be given to Mainali. The final rites of Mainali were performed by his relatives at Aryaghat in Khatmandu. Paras Birat, the commander of the group, claimed responsibility of the incident.

By Unidentified Group

As many as three persons were killed by unidentified group this year. Jata Shankar Sah, 50, from Birgunj Sub-metropolis-13 was injured when an unidentified group hurled a socket bomb

at him while he was performing Pooja at his home on 28 October. Sah died while undergoing treatment at Norvic hospital in Kathamandu on 1 November. He was initially treated at Narayani sub-regional hospital.

INJURED IN SHOOTING/EXPLOSION

By State

As many as 19 persons were injured in shooting/explosion by State this year. Satar Aalam, of Jitpur, was injured when police shot him at Birgunj Sub-metropolis-3 on 14 January. Police opened fire at him after he tried to run away while extorting money. He was treated in police care. Aalam was charged for extorting money from businessmen and employees.

By JTMM-J

As many as two persons were injured in shootings/explosion by the JTMM-J this year. The junior engineer at Birgunj Sub-metropolis Sunil Karn, 44, of Birgunj municipality-14 was injured when cadres of the JTMM-J shot him behind the Narsingh campus on 24 January. Karn was treated at the Narayani sub-regional hospital after being shot in his back. Police arrested Nasir Miyan of Birgunj municipality-3 in connection with the shooting.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM					By JTMM-J			By JTMM(Prithiv)			By TA		
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	1	1			1	4	4	4						
Injured	7	18	4	47	69	2	2	2	5	10	10	1	2	2
Abduction														
Total	8	19	4	47	70	6	6	6	5	10	10	1	2	2

By MMT

Dr Bishwanath Bhagat, 71, of Ramtol in Birgunj municipality-9, was injured when cadres of the MMT shot him at Mahabirasthan while he was returning home from his clinic on 29 May. Bhagat sustained bullet injuries to his back. The same group also shot him in the chest at his clinic on 14 December for not providing a 'donation'. He was treated at Norvic and Bir hospital in Kathmandu.

By SJTMM

As many as 69 persons were injured by SJTMM this year. Om Prakash Chachan, 47, of Adarshanagar, Birgunj municipality-13 was injured when cadres of the SJTMM shot him in his chest behind the office of the Nepal Rastra Bank Birgunj on 5 June. Chachan was shot for not providing money as a donation. He was taken to Kathmandu because his treatment was not possible in Birgunj. Police arrested Mohar Chaudhary (alias Baadal) of Khalbatola VDC-6 and Bimal Tiwari of Bhatha VDC-7 and charged them with murder.

By JTMM-Prithvi

As many as 10 persons were injured in shooting/explosion by the JTMM-Prithivi this year. Aashish Gupta, 10, and Atish Shrestha, 12, both students of the Gyan Jyoti higher secondary school in Birta, Birgunj Sub-metropolis-4, were injured in an explosion on 16 March. Cadres of the JTMM-Prithvi Singh had

detonated a sutali bomb inside the school premises during the school time. The boys sustained shrapnel injuries in their legs and shoulders. They were treated at the Narayani sub-regional hospital.

By STMM

52 persons, including CDO Bhola Prasad Adhikari, Aarati Prasad Adhikari of Parsa, Bimala Karki of Chitwan, Munna Yadav, Firoj Aalam and Grahana Prasad Yadav of Rautahat were injured when cadres of the STMM detonated a bomb at a mass assembly organized on 30 June. Seven political parties had organized the programme for the promotion of the CA election. The programme took place at the Narayani Stadium in Birgunj Sub-metropolis-16. Severely injured persons were taken to Kathmandu for treatment while others were treated at Narayani sub-regional hospital.

By TMT

As many as seven persons were injured by TMT. Sonakhat Ali, 50, Ajay Prasad Sah, 35, Muhammad Hussein, 30, and Paras Prasad Sah, 32, of Birgunj Sub-metropolis-6 were injured when cadres of the TMT detonated a sutali bomb at the entrance of the municipality office. The injured persons sustained shrapnel injuries in their chest, legs and stomach. They were treated at the Narayani sub-regional hospital.

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By TMT				By TUKS			By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing								3	3		3
Injured	3	6	1	7	1	5	5	6	6	2	8
Abduction								4	4		4
Total	3	6	1	7	1	5	5	13	13	2	15

By TUKS

As many as five persons were injured in shooting/explosion by TUKS. Prasad Khanal, 50, and Dhruba Yadav, 28 of Bara, Shankar Bajracharya, 22, of Lalitpur and Indian nationals, Sunil Sharma and Munna Sharma, sustained shrapnel injuries in their legs, stomach, hands and chest when the TUKS detonated sutali bombs simultaneously at the entrances of Summer Travels, Angels Travels and Khadkeshwor Travels in New Buspark on 3 April. Khanal was taken to Kathmandu for treatment while the rest were treated at the Narayani sub-regional hospital.

By Tarai Army

As many as two persons were injured by Tarai Army this year. Editor of the Satya Sandesh Daily, Prakash Tiwari, and local businessman, Dev Narayan Sah, sustained shrapnel injuries to their stomachs and backs when cadres of the Tarai Army detonated a time bomb in Ghantaghar, Birgunj Sub-metropolis-12 on 16 July. Tiwari was taken to Kathmandu for treatment since treatment was not possible at Narayani sub-regional hospital.

JAIL AND DETAINEES

The 'A' grade District Jail of Parsa has the capacity to keep 1,500 inmates. 794 inmates were detained in the jail by the end of this year of whom 374 were male and 25 were female convicts. 368

male and 15 females are detainees. There are also four boys and five girls at the jail as dependents.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom, and Free and Impartial Election)

MJF cadres Karima Begam, Durga Sah, Rajesh Sah, Sudhir Pandey and NSP cadre Shiva Patel were injured when police lathi-charged them on 1 February. The MJF and the NSP cadres were staging a sit-in in front of the district administration office demanding that the government address their concerns. They were treated at Narayani sub-regional hospital.

RIGHT TO PROMPT AND FAIR TRIAL

318 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 166 criminal cases, where the individual is plaintiff, were filed this year. Among the total 484 criminal cases, where the individual is plaintiff, 66 cases were decided and 418 cases remain undecided by the end of this year.

141 criminal cases were brought forward from last year and 49 criminal cases were filed this year. Among the total 190 criminal cases, 25 cases were decided and 165 cases remained undecided by the end of this year.

1108 civil cases were brought

forward from last year and 438 civil cases were filed this year. Among the total 1546 civil cases 264 cases were decided and 1282 cases remained undecided by the end of this year.

CHILD RIGHTS

Bachha Miya, 12, of Hariharpur VDC-6 was abducted by an unidentified group while he was sleeping in his home on the night of 1 January. The child was released from Sikta, India a week after the child's family provided ransom to the abductors.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Marijan Khatun, 50, of Prasouni Birta VDC-4 was force-fed human excreta in her home by Gyasudin Miya, Islamdin Ansari, Yunish Ansari, Idris Miya Ansari, Jumadin Miya Ansari from the same place on 11 September. Three of Khatun's teeth were broken when they tried to force the human excreta through a bamboo stick into her mouth. The victim filed a complaint against them at the District Administration Office on 15 September under the Public Offense Act. Police arrested Gyasudin Miya on 26 September. He was later released on bail after depositing 15 thousand rupees.

Domestic Violence

Geeta Devi Sahani, 36, of Surjaha VDC-5 was beaten by her husband and in-laws for 12 days starting 1 March and ending 12 March. Geeta's in-laws beat her and tied her hands and legs up, accusing her of being insane. Area police office Pokhariya rescued her with the help of a local Women's Pressure Group and the Dibya Youth Club. Police held Geeta's husband and in-laws in custody.

2.10 Chitwan



Population : 591,505

Literacy(%) : 75

Women Literacy(%) : 55

Area(Sq. Km.) : 2,218

Number of VDC(s)/Municipality(ies) : 36/2

Number of School(s) : 483/117

Campus(es)/Higher Secondary School(s) : 6/45

Hospital(s)/Health Post(s) : 5/42

Human Development Index : 0.518

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

A businessman, Ram Hari Shrestha, of Koteshwor, Kathmandu Metropolis-35 was beaten at the Shaktikhor-based Third division Maoists PLA on 7 May for allegedly stealing a Chinese Browning Pistol and Rs 1,700,000. He died the next day while being taken to Kathmandu for treatment after initial treatment at Bharatpur-based Medical College Teaching Hospital.

The body of Shrestha was found floating under Madan-Ashrit bridge in Kabilas VDC on 25 May. Police and media persons failed to recover his body despite their two day search-effort from Bhaludhunga to the Narayani bridge. Eyewitnesses suspected that Shrestha was

Table : 1

Types of Event	By Non-state								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1	1		1	1	1		1			
Injured	4	4		4					1	2	2
Arrest & Torture									1	1	1
Beatings	24	37	5	42	20	29		29			
Threats	11	19		19	19	18	4	22			
Right to Assembly	2	2		2	6	10	2	12			
Racial Discrimination	1	1		1							
Women Rights	11		11	11							
Child Rights	14	4	13	17							
Economic, Social and Cultural Rights	1	4		4	1	1		1			
Inhuman Behaviour	1		1	1							
Abduction	7	6	1	7	10	18		18			
Total	77	78	31	109	57	77	6	83	2	3	3

buried after being murdered since his body was covered with mud. The third division of the Maoist PLA issued a press statement on 14 May after Shrestha's family staged protests. According to the press statement, Shrestha was severely injured when Assistant Brigadier of the division Gangram Thapa (alias Atom), 25, of Rukum district and Keshav Adhikari (alias Raghu), 33, of Lamjung district beat him in their camp on the night of 10 May. The statement added that the two fled after Shrestha died while being taken to Kathmandu for treatment. The division further said that the two perpetrators threw Shrestha's body into the Trishuli River from the Bhaludhunga bridge in Dahkhani VDC-6.

The joint commander of the Third Division of the Maoist PLA, Sanjiv, handed another joint commander of the Maoists camp, Govind Bahadur Batalaa, 35, from Kalikot district to the DPO in Bharatpur, accusing him of being involved in Shrestha's murder. Batalaa remains custody in the Bharatpur jail. The case

remains decided at the end of the year. A cabinet meeting on 22 May formed a three-member probe committee headed by former Justice of the Supreme Court, Rajendra Kumar Bhadari. AIG Amar Singh Sah and Joint-attorney General, Sharad Prasad Gautam, were also members of the committee which was given 15 days to submit its report. Similarly, the Maoists formed a three-member probe panel headed by the Maoist central committee member, Posta Bahadur Bogati, to probe the murder on 22 May. The panel comprised of Hit Raj Pandey and Ekraj Bhandari as its members.

By Bomb

Santa Bahadur Rumba, 33, and Ram Bahadur Thing, 33, from Makwanpur district, and Bhim Bahadur Tamang, 71, from Morang district were injured in an explosion at the Bus Park in Bharatpur municipality-9 on 22 August. The three were injured while they were making bombs inside a house. Ram Bahadur succumbed to injuries while undergoing



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By UML			By ANNISU-R			By NC			
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing										
Injured										
Beatings	4	7	7	4	8	8	3	4	1	5
Threats	1	1	1							
Right to Assembly										
Abduction										
Total	5	8	8	4	8	8	3	4	1	5

treatment at the Medical college teaching hospital in Bharatpur. Police released Santa Bahadur on 26 September after he was arrested while undergoing treatment at the same hospital. His wife Bal Kumar Shrestha, 41, and Ramji Poudel of Bharatpur municipality-9 were also released on 25 August. They were arrested immediately after the incident.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

As many as two persons were injured by unidentified group this year. The principal of the Bhairav Rastriya Primary School at Bhandara VDC-3, Uddhav Dharel, 46, of Bhandara VDC-1 was injured when an unidentified group shot him on 20 April. He was treated at the Bharatpur medical college. SI Surya Shrestha said that the identification of the assailants is yet to be ascertained.

By Abandoned Bomb

Chandra Bahadur Shrestha, 47, of Tiruwa, Lothar VDC-2 was injured when he hit a socket bomb found while plowing a field on 7 April. The bomb exploded when he struck it with sickle. He sustained injuries to his hands, face and neck. He was treated at Medical college teaching hospital.

JAIL AND DETAINEES

The "B" grade District Jail in Bharatpur has a capacity to detain 125 inmates. However, 245 inmates were detained in the jail by the end of the year, of whom, 92 were male and two were female convicts with 132 male and 14 female accused. There are two minor boys and three minor girls in the jail. The children do not have access to school. The inmates have complained of the inadequacy of the toilets.

Govinda Bahadur Batalaa, accused of killing Ram Hari Shrestha, was beaten by Sonam Lama, Yam Bahadur Pun and Dambar Praja inside the district jail. Batalaa alleged that they beat him with support from the jail administration because he urged the jail to turn into a correctional institution and end gambling and alcohol use inside the jail. He was kept in the district jail following a decision from the Chitwan district court on 11 June. The other three inmates involved in the beating were transferred to the Kaski district prison along with other 22 inmates on 24 November, according to Jailer Tol Bahadur Sharma.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as 18 persons were

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By Youth Force				By YCL				By Unidentified Group		
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing									1	1	1
Injured									4	4	4
Beatings	1		1	1	9	13	2	15			
Threats	1	1		1	7	14		14	2	3	3
Right to Assembly					2	2		2			
Abduction					4	4		4	1	1	1
Total	2	1	1	2	22	33	2	35	8	9	9

abducted by Maoists this year. The NC VDC committee chairman, Ek Bahadur Adhikari, 60, from Kaule VDC-6 and NC cadre Kumar Budhathoki, 43, of same place were abducted by Maoist cadres on 7 April. The two, were kept in Maoist captivity at Haatibang and were released at the initiation of the NC district committee and the INSEC district representative on 9 April.

THREATS/BEATINGS

By Maoists

As many as 51 persons were threatened/beaten by Maoists this year. President of the Press Chautari Nepal district chapter, Kabi Kiran Neupane, from Ratnanagar municipality-10 was beaten by Maoist cadre, Ram Babu Shrestha, from the same place on 8 July. The beating occurred over a news article published in the Dristi weekly. Neupane sustained injuries to his hand and head. Refuting Shrestha's claim, Neupane said that a minor dispute occurred between them over an issue of the Panchakanya community forest.

By YCL

As many as 29 persons were threatened/beaten by the YCL this year. Dev Narayan Shrestha, 32, of Bharatpur municipality-11 was injured when YCL

cadres beat him near a canal at Jutpani VDC-3 on 10 March for not providing a 'donation'. Shrestha was treated at Medical College Teaching Hospital Bharatpur after sustaining injuries to his eye and back. Quoting Maoist area no. 2 in-charge, Bibek, Shrestha said that he was assured that YCL cadres involved in his beating would be presented on 16 March. Shrestha added that the assailants had come in a vehicle with a registration number not owned by the Maoists Third Division.

By UML

As many as eight persons were threatened/beaten by UML this year. YCL cadre, Ram Bahadur Shrestha, 35, of Birendranagar VDC-9 was beaten by UML cadres, Rajan Pun, Dipak Pun and Prakash Poudel at Langadi chok on 20 March, according to the YCL area no. 1 in-charge Lal Singh Thing. Shrestha who was attacked with a sharp weapon was treated at Medical College Teaching Hospital Bharatpur.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

RPP district joint-secretary Dinesh Adhikari and RPP cadre Dilip Thapa of

Sirjana chok, Kalyanpur VDC-7 were threatened by Maoists over campaigning for the elections on 15 March. The group, led by Maoist district committee member Dandapani Poudel, looted the mobile phones and motorcycle belonging to Adhikari.

RIGHT TO PROMPT AND FAIR TRIAL

716 criminal cases were brought forward from last year in the District Court. Likewise, 716 criminal cases were filed this year. Among the total criminal cases, 849 cases were decided and 885 cases remained undecided by the end of this year.

854 civil cases were brought forward from last year. Likewise, 706 civil cases were filed this year. Among the total civil cases, 547 cases were decided and 1013 cases remained undecided by the end of this year.

There is a Child Bench in the District Court but no cases have been filed.

CHILD RIGHTS

A 13-year-old child from Ayodhyapuri VDC-6 was raped by Purn Chettri, 20, of the same place in a jungle of Bhalukhola-Salghari on 24 August. Police arrested Chettri after the victim's family lodged a complaint at the DPO three days later. Police remanded him to the Bharatpur district jail on 18 September.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sita Kumari Thapa, 27, from the Pokhara Sub-metropolis-16, was injured when her husband, Jagat Bahadur Thapa, 37, hit her with a hammer in Kalyanpur VDC-3 on 8 January. The victim received 28 stitches for the injury on her head at area health post in Basantpur, Madi. Jagat Bahadur has been sent to the Bharatpur

district jail following the order from district court on 12 January.

Polygamy

Prakash Bhattarai, 20, from Bharatpur municipality-10 married Mitthu Bhattarai, 19, from ward no. 11 on 3 August. The first wife of Prakash, Jamuna Bhattarai, from ward no. 5 lodged a complaint against him at district court on 15 October on charge of polygamy. ASI Surya Shrestha said that Prakash was sent to the district jail after he failed to pay a fine of 45 thousand rupees as ordered by the district court on 6 November.



2.11 Makawanpur



Population : 467,996

Literacy(%) : 65

Women Literacy(%) : 55

Area(Sq. Km.) : 2,426

Number of VDC(s)/Municipality(ies) : 43/1

Number of School(s) : 446/44

Campus(es)/Higher Secondary School(s) : 5/22

Hospital(s)/Health Post(s) : 1/44

Human Development Index : 0.470

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The “D” grade District Jail of Makawanpur has the capacity to accommodate 41 inmates. The jail had a total of 50 male inmates by the end of the year of whom 26 were convicted and 24 were accused.

The jail ceased to detain women inmates since October due to the dilapidated condition of the female ward. They have been sent to the Birgunj jail. A television, a radio set, newspapers and facility to access library are provided to the inmates. Inmates complained that they were facing problems with sleeping as there are more inmates than the jail’s capacity entails. Due to a lack of space, the inmates will not allow anymore detainees to enter the jail.

The government has started construction of a regional jail in Bhimfedi owing to the apt environment in the area. The jail will have a capacity to hold 1500 convicted inmates and is expected to be set up in five years.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

NSU cadres Mahendra Raut, 24, and Dipak Ghimire, 22, of Hetauda municipality-2 were beaten by Maoists cadres at the Bakaiya river in Chatiban VDC-1 on 19 April while they were returning from campaigning for the NC.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 329 criminal and civil cases, including 126 cases that were filed this year and 213 cases that were brought forward from last year are at the desk of District Court this year awaiting a decision. Only 61 were decided and 278 cases remained undecided by the end of

the year.

Though there is a Child Bench in the District Court, no cases have been filed.

Appellate Court

168 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court. Similarly, 104 criminal cases, where the individual is plaintiff, were filed this year. Among the total 272 criminal cases, where the individual is plaintiff, 83 cases were decided and 189 cases remained undecided by the end of this year.

269 criminal cases were brought forward from last year. Similarly, 127 criminal cases were filed this year. Among the total 396 criminal cases, 132 cases were decided and 267 cases remained undecided by the end of this year. There are 15 cases that have not been decided for two years.

710 civil cases were brought forward from last year. Similarly, 322 civil cases were filed this year. Among the total 1032 civil cases, 307 cases were decided and 725 cases remained undecided by the end of this year.

CHILD RIGHTS

A 13-year-old child of Lahan, Siraha was gang-raped at the Bus Park in Heatauda municipality-10 by four men, including, Ram Bahadur Luintel, 20, from Hetauda municipality-8 and Purna Bahadur Blon, 19, from Gadi VDC-2 on 21 July. Luintel and Blon have been sent to Bhimfedi jail after being arrested while other two perpetrators are at large.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Kanchi Maya Syangtan, 40, and Maiti Gole, 30, from Tistung VDC-5 were beaten and expelled from their home by

Types of Event	By Non-state							By State			
	By Others				By Maoists			No. of Events	Male	M/F N/A	Total
	No. of Events	Male	Female	Total	No. of Events	Male	Total				
Killing	5	3	3	6							
Arrest & Torture								1	2		2
Beatings	1	4		4	3	5	5				
Right to Assembly					1	1	1	1	3	4	7
Women Rights	10		11	11							
Child Rights	9		9	9							
Economic, Social and Cultural Rights					1	1	1				
Inhuman Behaviour	1	1		1							
Abduction	2	2		2							
Total	28	10	23	33	5	7	7	2	5	4	9

Radhika Gole, 28, and Meena Syangtan, 29, from the same place on 26 July for allegedly practicing witchcraft. Radhika and Meena were arrested by police after the victims, with support from various organizations, lodged a complaint with the police. The local administration released the two on bail after they deposited Rs 500 each.

Trafficking

A 19-year-old woman from Chatiban VDC-4 was sold to an Indian Circus by Shankar Basnet, 45, from Nijgadh, Bara, on 18 September. Basnet was held at the Bhimfedi jail after his arrest at the end of the year.

Domestic Violence

Sunita KC, 21, from Choukitol, Hetauda municipality-1 was hacked to death by her husband Yubaraj KC, from Khanalthok VDC in Kavre district on 16 April. Yubaraj killed his wife following a dispute over returning from her maternal home. Sunita was pregnant when she was

killed. Yubaraj is serving his jail term in the Bhimfedi jail.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Workers inside and outside the Hetauda Industrial Area, led by the Maoists-affiliated worker's union, shut down 55 industries in Hetauda from 28 November saying the industries did not provide the minimum wage fixed by the government. The industries resumed operation from 30 November after an agreement was reached to provide the minimum wage fixed by the government to the workers. Likewise, the Maoists-affiliated hotel workers shut down the Everest Panorama Resort situated in the tourist area of Daman on 16 December. The hotel workers called off their strike after the resort agreed to provide minimum wage fixed by government to them. Meanwhile, there is irregular pay between men and women agricultural workers. Men are paid 120 rupees while women are paid 80 rupees for the same work.

2.12 Lalitpur



Population : 419,004

Literacy(%) : 70

Women Literacy(%) : 60

Area(Sq. Km.) : 385

Number of VDC(s)/Municipality(ies) : 41/1

Number of School(s) : 449/314

Campus(es)/Higher Secondary School(s) : 27/81

Hospital(s)/Health Post(s) : 8/41

Human Development Index : 0.588

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

NSU cadre Pradip Khadka, 38, from Katari VDC-4, Udaypur district, died after police beat him at Balkumari in Lalitpur municipality-8 on 10 September for not stopping his motorbike at the check point. Khadka died while undergoing treatment at Patan hospital. He was taken to hospital by police. A high-level probe committee comprising of former justice Rajendra Kumar Bhandari, AIG Shyam Singh Thapa and Joint-attorney General Mahesh Kumar Thapa was formed by the government on 14 September to investigate the matter.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

An accountant of Ananda Traders

Anath Bandhu Ghimire, 28, from Dhadhikot VDC-1, Bhaktapur district was injured when two unidentified men shot him at Chapagaun in Lalitpur Sub-metropolis-14 on 24 March. Ghimire was treated at the B and B hospital.

JAIL AND DETAINEES

The "C" grade Nakkhu Jail has a capacity to accommodate 250 inmates however 422 inmates were in jail at the end of the year. Of whom, 154 were convicted and 271 were accused inmates awaiting trial. Three convicted and 15 accused inmates were foreigners. The jail, which was built during the Rana regime, has a library, sports materials, television and radio for inmates. There are 24 toilets inside the jail.

Shyam Bahadur Tamang, 50, of Burungchuli, Devichour VDC-2 hanged himself in police custody on 24 July. Tamang hanged himself by a bandage which was wrapped around his body. Locals handed him to the Tika Bhairav police office on 15 July after he, in an inebriated condition, threatened to kill them by wielding a khukuri and a gun. He was charged under the arms and ammunition act.

THREATS/BEATINGS

By State

Neema Sherpa, 65, from Tasting VDC-6, Solukhumbu district, was injured when police beat him on 12 September. Sherpa, who rented a room at Balkumari in Lalitpur Sub-metropolis, was beaten in a clash between the police and locals of Imadol. The locals were protesting against the beating of Pradip Khadka, of Udayur district, by police. Sherpa sustained injuries to his back and leg. He could not receive treatment because he could not afford it.

Table : 1

Type of Events	By Non-State									By State				
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	4		4		4					1	1			1
Injured	4	4	1		5					1	1			1
Death in Detention										1	1			1
Arrest & Torture										1	1			1
Beatings	2	2			2	1	9	1	10					
Threats	1	1			1									
Right to Assembly										4	263	11	1	275
Women Rights	1		1		1									
Child Rights	5		4	170	174									
Inhuman Behaviour										1	1			1
Abduction	1	1			1									
Total	18	8	10	170	188	1	9	1	10	9	268	11	1	280

By Maoists

As many as 10 persons were threatened/beaten by Maoists this year.

Maoists-affiliated All Nepal Hotel and Restaurant Workers' Union (ANHRWU) attacked the office of Himal Media Pvt. Ltd. at Hattiban, Dhapakhel VDC on 21 December while a management meeting was taking place. The Maoists-affiliated workers attacked 12 persons and vandalized the office over a cover story that was published in the Himal Khabarpatrika of 1-15 Poush edition. The CEO of Himal Media Ashutosh Tiwari, the editor of the Nepali Times, Kunda Dixit, executive editor of Himal Khabarpatrika Kiran Nepal and senior reporters, Dambar Krishna Shrestha, Shambhu Guragain, Bindira Shakya, Suresh Sharma, Subhash Kumar Das, Karma Lama, Bir Bahadur Tamang were among the injured. Himal Media lodged a complaint at the Lalitpur police office on 25 December against vice-president of the Maoists-affiliated Media and Press Union, Lalitpur unit Ramesh KC and president of the ANHRWU Ramesh Babu Pant, accusing them of being involved in the attack. Both presented themselves

before the police on 26 December. They were released six days later on bail.

By YCL

As many as two persons were threatened/beaten by YCL this year.

Yog Bahadur Sikari of Thuladurlung VDC-5 was injured when YCL cadres Julab Singh Gole, 32, Ram Syangtan, 30, Lakchu Sighar, 35, Chandra Bahadur Singhar, 30, of ward no. 9 beat him while he was talking with a local, Shyam Tamang, on 15 April. Sikari was treated at the Patan hospital. No action was taken against the YCL cadres.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

UML Lalitpur district area no. 1 secretary Narayan Prasad Timalisina, 35, of Asrang VDC was beaten by Maoists cadre Hom Prasad Timalisina of Ikudol VDC on 11 March over holding an election programme. Narayan sustained minor injuries and was treated at the Asrang health post.

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By YCL			By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Total
Injured	1	1	1	1	1	1
Beatings	1	1	1			
Total	2	2	2	1	1	1

RIGHT TO PROMPT AND FAIR TRIAL **District court**

431 criminal cases were brought forward from last year. Likewise, 392 criminal cases were filed this year. Among the total 823 criminal cases, 336 cases were decided and 487 remain undecided by the end of this year.

820 civil cases were brought forward from last year. Likewise, 330 civil cases were filed this year. Among the total civil cases, 210 cases were decided and 940 cases remained undecided by the end of this year.

There are 85 civil cases and 61 criminal cases that have remained undecided for two years.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Tika Prasad Dahal, 39, from Bijulikot VDC-5, Ramechhap, was arrested by policemen in plain clothes on 16 November for allegedly stealing motorbikes. Dahal, who rented a room at Sanepa, Lalitpur municipality-2, was

taken to Hanumandhoka where he was beaten by five policemen with a split bamboo. Different parts of body were injured in the incident. Police admitted him to the mental hospital in Patan for treatment on 20 November.

CHILD RIGHTS

A six-year-old girl from Lubhu VDC-4, Lalitpur, was raped by Hari Rai from Choutara, Sindhupalchok, on 20 March. A permanent resident of Pachgachhi VDC-1 in Jhapa district, the girl was raped in her rented room in Lubhu VDC while nobody was home. The victim's family lodged a complaint at the Metropolitan police sector Jawalakhel on 24 March. Police initiated an investigation after arresting Rai. He was remanded and sent to jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sanjita Giri, 26, from Halesi Mahadev VDC-4, Khotang, was beaten by her husband Rajesh Giri on 12 May. An employee at the Agriculture Department in Hariharbhawan, Rajesh had rented a room in Bhanimandal, Lalitpur Sub-metropolis-13. Sanjita said that she was frequently beaten by Rajesh after her marriage. She filed a complaint at the women cell Metropolitan police sector in Lalitpur on 12 May.



2.13

Kavre



Population : 442,395

Literacy(%) : 65

Women Literacy(%) : 55

Area(Sq. Km.) : 1,396

Number of VDC(s)/Municipality(ies) : 87/3

Number of School(s) : 655/71

Campus(es)/Higher Secondary School(s) : 12/50

Hospital(s)/Health Post(s) : 7/94

Human Development Index : 0.543

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail in Dhulikhel, has a capacity to accommodate 61 inmates. However, 110 inmates were kept in the jail by the end of the year. Of the inmates, 40 were convicted and 110 were accused. The jail is spread over three *ropanis* and eight *aanas*. The jail which was used as a horse stable during the Rana regime is not supposed to keep women and children. However, two children, Kumar Waiba, 14, of Sisapani VDC and Lal Bahadur Tamang, 13, of Naldum VDC-4 were kept in the jail for murder charges. Women are sent to central jail from here.

Bhojraj Bhandari, 36, from

Aapchour VDC-6, Gulmi, died inside the Dhulikhel jail on 12 January. Bhandari had been serving his five-year jail term since 3 January 2007 on charge of trafficking women.

THREATS/BEATINGS

By Maoists

As many as 22 persons were threatened/beaten by Maoists this year. Prem Lopchan, 33, of Shikharaambote VDC-5 was injured when Maoists cadres, Hira Tamang, 20, Jit Bahadur Tamang, 43, and his wife, 38, of ward no. 9 attacked him with a *khukuri* on 9 September. Prem said that Hira, a Maoists combatant at the Shaktikhor cantonment, attacked him while he was heading towards his in-laws house. He filed a complaint against the assailants at the DPO on 12 September saying that he sustained injuries to his face, stomach and other parts of the body. Prem said that a gold chain worth 48 thousand rupees was also looted from him in the incident. Though a case was filed under the public offense act, the accused are at large at the end of the year.

By YCL

As many as 17 persons were threatened/beaten by YCL this year. Dinesh Timalisina from Salmechakal VDC-6 was injured when YCL cadres Dawadorje Yonjan, 25, from ward no. 3 and Blkas Lama, 23, from ward no. 7 beat him in Banepa on 21 September. Timalisena had come to Banepa to open a business after selling his land and buffalo. The YCL cadres also took away his mobile. Timalisena managed to escape when the YCL cadres tried to abduct him but the YCL cadres chased him and hit him in head with a rod. The YCL cadres, who were charged under the public offence act, were released on bail of seven thousand rupees.

Table : 1

Types of Event	By Non-State								
	By Others					By Maoists			
	No. of Events	Male	Female	N/A M/F	Total	No. of Events	Male	Female	Total
Killing	17	9	9		18				
Injured	4	4	2		6	2	5		5
Beatings	9	29	1		30	6	15	3	18
Threats	1	1			1	3	3	1	4
Right to Assembly	1	4			4				
Women Rights	5		6		6				
Child Rights	4		3	1	4				
Economic, Social and Cultural Rights						1	2		2
Abduction						2	2		2
Total	41	47	21	1	69	14	27	4	31

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Member of the Interim Parliament and Janamorchha, Nepal candidate of Kavre constituency no. 1 in CA election Kaman Singh Lama, from Maadankudari VDC-8 was injured when CPN (Unified) cadres attacked him at Budhakhani VDC-4 on 31 March. Raj Lama of Mechche VDC-1, Kamal Lama of Mechche VDC-4, Narman Lama of Bhimkhori VDC-4 and Chandra Lama of Maadankudari VDC-1 were also injured in the incident. They were airlifted to Kathmandu and treated at Bir hospital. According to the victims, CPN (Unified) cadres Sagar Lama, Tek Bahadur Bal, Maandwoj Ghan, Yudu Lama and Kaaji Moktan of Banakhu VDC-6 had attacked them with sharp weapons while they were staying at the house of a local, Chamar Singh Moktan, in Foksingtar VDC. Kaman Singh sustained injuries to his head and hand, Kamal sustained injuries to his head, hand and back, while Chandar sustained injuries to his back and leg. An additional police team was sent to the site to investigate

the incident. Janamorchha Nepal lodged a murder charge demanding action against the assailants. The election commission sought an explanation from CPN (Unified) election candidate Kanchharam Tamang regarding the incident.

RIGHT TO PROMPT AND FAIR TRIAL

158 criminal cases, where the individual is plaintiff, were filed this year in the district court. 146 cases were decided by the end of this year.

79 criminal cases were filed this year. Out of the total criminal cases filed this year and brought forward from last year, 53 cases were decided by the end of this year.

229 civil cases were filed this year. 226 civil cases were decided out of the total civil cases filed this year and brought forward from the last year.

There are 61 cases that have remained undecided for two years.

CHILD RIGHTS

A 15-year-old girl from Shikhar Aambote VDC was raped by Janak Shrestha, 46, from Dhulikhel municipality-2 on 11 May. The girl, who rented a room in



Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By CPN(United)			By YCL				By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing								2	1	1		2
Injured				2	1	2	3					
Beatings	1	5	5	3	16		16	1	1			1
Threats				1	1		1					
Child Rights								1			1	1
Total	1	5	5	6	18	2	20	4	2	1	1	4

Dhulikhel municipality-3, was repeatedly raped by Shrestha at a picnic spot in Dhulikhel. Shrestha had taken the girl into the jungle after luring her with postcards. The girl has given birth to a child. Shrestha was remanded to custody following a District Court order on 4 June.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Maili Tamang, 80, and her daughter-in-law Damaisya Tamang, 50, from Bahundanda, Shikhar aambote VDC-1 were beaten by Min Bahadur Tamang, 40, and his wife Thuli Maya Tamang, 40, from the same place. The victims were beaten because they were believed to be witches. The couple accused Maili and Damaisya of making their daughter ill by casting a spell on her. Around 30 men along with the couple beat the victims and threatened them to cure the girl. The victims filed a case against Min Bahadur and Thuli Maya at the Dapcha Police Post demanding action against the perpetrators.

Domestic Violence

ASI Chiranjivinath Timala, 23, deputed at the Khopasi Police Post in Panouti Municipality-12, hacked his wife, Gouri Chaulagain, 22, to death on 28 April. A permanent resident of Santapur VDC in Rautahat, Gouri was killed with a *khukuri* in a jungle near the police post.

Timala had decapitated her after the killing. The deceased's head was found in Panouti municipality-10 while her beheaded body was found in Panouti municipality-8. Gouri was a second year BA student at Mahendra Ratna Campus in Tahachal. The district court ordered Timala to be held in custody on murder charges.

Polygamy

Ramesh Timala, 25, of Dhungkharka VDC-6 married Laxmi, 21, of Thankot, Kathmandu on 15 April despite already having a wife. Police arrested Timala after his first wife, Sharmila, lodged a complaint at the police office. He was released on bail.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Maoists cadres destroyed the maize field belonging to 11 local farmers of Jyamirkot, Anaikot VDC-2 on 9 August, saying the farmers were farming inside the Jamunbote community forest. Maoists cadres destroyed the crops of everyone except the Maoists supporters. The farmers filed a complaint at the district administration office and the district forest office on 17 August. The DAO immediately sent a letter to the DFO to investigate the incident.

2.14 Bhaktapur



Population : 277,935

Literacy(%) : 70

Women Literacy(%) : 55

Area(Sq. Km.) : 119

Number of VDC(s)/Municipality(ies) : 16/2

Number of School(s) : 316/133

Campus(es)/Higher Secondary School(s) : 10/25

Hospital(s)/Health Post(s) : 5/26

Human Development Index : 0.595

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Gangaram Lakhe, 23, of Golmati, Bhaktapur municipality-7 died after being

shot by police on the Ramjhupadi road for defying curfew on the night of 15 February. Lakhe died while undergoing treatment. The district administration office in Bhaktapur had imposed a curfew in the Bhaktapur municipality for eight hours effective from 15 February at 8 pm after ticket counters in various parts of the municipality were vandalized.

JAIL AND DETAINEES

There is no jail in Bhaktapur. Children under the age of 16 are kept in a child reform centre. Children who are convicted of different crimes and remanded to custody are kept here. There were 74 boys and seven girls at the reform centre home at the end of the year.

THREATS/BEATINGS

By Maoists

Badri Maaka, 42, from Bhaktapur municipality-4 and Krishna Narayan Dumar, 38, from Bhaktapur municipality-6 were injured when Maoist cadres attacked them with sharp weapons at a road section in Bhaktapur municipality-17 on 3 April. The victims sustained injuries to their heads. No action was taken against the Maoist cadres.

Types of Event	By Non-State							By State		
	By Others				By Maoists					
	No. of Events	Male	Female	Total	No. of Events	Male	Total			
Killing	5	3	3	6				1	1	1
Injured	4	7	1	8						
Beatings	1	1		1	1	2	2	1	3	3
Threats	1	1		1						
Women Rights	1		1	1						
Child Rights	4		5	5						
Total	16	12	10	22	1	2	2	2	4	4



RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

The Maoist district committee in Bhaktapur said that five of its cadres were beaten by NWPP cadres in different places while they were campaigning for CA elections on 2 April. Organizing a press meet, Maoists said that NWPP cadres also tore down signboards placed at election campaign offices in the Bhaktapur municipality. The NWPP and Maoist cadres clashed twice during the election campaign in the district.

RIGHT TO PROMPT AND FAIR TRIAL

Out of 117 criminal cases, where the individual is plaintiff, 13 cases were decided and 104 cases remained undecided at the end of the year in the District Court.

Out of 111 criminal cases, 56 cases were decided and 55 cases remained undecided at the end of the year.

Out of 554 civil cases, 155 cases were decided and 399 cases remain undecided at the end of the year.

Among the total 786 criminal cases, where the individual is plaintiff, criminal cases and civil cases, filed this year at the district court, 224 cases were decided at the end of this year.

CHILD RIGHTS

A 14-year-old girl from Madhyapur Thimi municipality-7 was raped by Ram Sharan Rai, 24, from the same place on 12 May. A permanent resident of Sindhupalchok district, the girl was taken to Shital chahari restaurant at Chundevi in Katunje VDC-6 where she was raped. The Metropolitan Police Sector in Bhaktapur arrested Rai and charged him with rape. He was remanded to police custody following a decision from the district court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Nabina Shrestha lodged a complaint against her husband, Hari Krishna Shrestha, of Sudal VDC-1 on 6 June at Metropolitan police sector, for marrying a second wife. Hari Krishna had married Sangita Adhikari, 19, of Kavre district as his second wife. District court Bhaktapur made a compromise between Hari Krishna and his wife Nabina on 24 June. Hari Krishna also provided compensation to Nabina following the court's decision.



2.15 Kathmandu



Population : 1,563,401

Literacy(%) : 78

Women Literacy(%) : 60

Area(Sq. Km.) : 395

Number of VDC(s)/Municipality(ies) : 57/2

Number of School(s) : 945/1,075

Campus(es)/Higher Secondary School(s) : 121/226

Hospital(s)/Health Post(s) : 40/70

Human Development Index : 0.603

Average Household Size : 6

**CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING**

By Maoists

Ramhari Shrestha, 35, of Koteswor, Kathmandu Metropolis-35 was beaten to death after being abducted by the Third Division of Maoists PLA at Shaktikhor, Chitwan on 10 May. A permanent resident of Rampur VDC-6, Ramechhap district, Shrestha was abducted from his home in Koteswor by Maoist cadres on 27 April. He died while undergoing treatment at Medical College Teaching Hospital Bharatpur on 8 May after being severely beaten at the Maoist camp. Keshav Adhikari alias Raghu, 33, of Bharate VDC-4, Lamjung and Ganga Ram Thapa alias Atom, 25, of Ghetma VDC-4, Rukum had brutally beaten him inside the Maoist camp after abducting him on the charge of stealing a Chinese pistol and Rs 1,700,000.

Shrestha's wife said that they did not publicise the abduction because the Maoists had threatened them with death if they made it public. The body of Shrestha was found near the banks of Trishuli River near Madan-Ashrit bridge in Kabilash VDC-4, Chitwan. His body was handed to his family after post-mortem at Teaching Hospital in Kathmandu. PM Pushpa Kamal Dahal had expressed a commitment to take action against the culprits and assured that the government would provide compensation for his family. A cabinet meeting on 22 May formed a three-member probe committee headed by former Justice of Supreme Court Rajendra Kumar Bhadari. AIG Amar Singh Sah and Joint-attorney General Sharad Prasad Gautam were appointed to the committee, which was given 15 days to submit its report. Joint commander of the Shaktikhor camp Sanjiv handed another joint commander of the Maoists camp

Govind Bahadur Batala, 35, of Kalikot district to the DPO Bharatpur, accusing him of being involved in Shrestha's murder on 15 May. Batala has been remanded to custody in Bharatpur jail. The case wasn't decided by the end of the year. Similarly, Maoists formed a three-member probe panel headed by Maoists Central Committee member Posta Bahadur Bogati to probe the murder on 22 May. The panel comprised of Hit Raj Pandey and Ekraj Bhandari as its members.

INJURED IN SHOOTING/EXPLOSION

By Rastriya Mukti Sena

Nepal Army man Sri Prasad Sarbhuja, 28, of Sisthi VDC-4, Baglung was injured in an explosion at the residence of vice-president Paramananda Jha in Kumarigal, Chabahail on 17 August. Deputed for the security of vice-president, Sarbhuja, was treated at the army hospital in Chhauni. The explosion caused minor damage to the windowpanes of the vice-president's house. Little known groups Rastriya Mukti Sena and Nepal Liberation of Tiger, owned up the responsibility stating that they carried out the blast as a warning to the vice-president for swearing-in in the Hindi language. Police arrested commanders of Rastriya Mukti Sena Mohan Karki, Tikaraj Magar, Som Bahadur Rai and Prabin Dura in connection with the blast. They have been charged under the Explosives Act and the murder laws.

By Ranabir Sena

Susmita Shrestha of Kathmandu municipality-16 was injured in an explosion in front of the Buddha air counter near the entrance of Tribhuvan International Airport on 27 December. A teacher at Merry school in Chhawani, Shrestha was treated at KMC Medical College in Sinamangal. Two persons were arrested in connection with the blast but

Table : 1

Types of Event	By Non-State								By State				
	By Others				By Maoists								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	6	7	1	8									
Injured	10	16	2	18					2	15			15
Beatings	9	20	2	22					4	7	1		8
Threats	1		1	1	2	1	1	2	1	1			1
Right to Assembly					1		1	1	14	19	54	172	245
Women Rights	2		2	2									
Child Rights	1		1	1									
Economic, Social and Cultural Rights	1	1	2	3									
Abduction	6	4	2	6	2	3		3					
Total	36	48	13	61	5	4	2	6	21	42	55	172	269

they were released later. Ranabir Sena claimed responsibility for the incident.

By Unidentified Group

As many as 14 persons were injured in shooting/explosion by unidentified group this year. Dipesh Nepali, 15, of Dhading, Toran Gurung of Sankhuwasabha, Bir Bahadur Tamang, 25, Shiva Khadka, 46, Saraswati Lama, 39, Ram Sundar Adhikari, 37, Raju Shrestha and Bharat Tamang of Budanilkantha, Kathmandu were injured when an unidentified group hurled a bomb at the bus they were traveling in on 14 January. They were returning after participating in a mass assembly organised by seven political parties. Tarun, Dipesh and Bharat were treated at Bir hospital while others had sustained only minor injuries. Police arrested Santosh Basnet, 24, of Golchakure VDC-3, Dang and Megh Bahadur Khatri, 33, of ward no. 6 of the same place in connection with the blast. Police made public the identities of two arrested men on 18 January at the Metropolitan Police Crime Investigation Branch Hanumandhoka. They were remanded to police custody for investigation.

JAIL AND DETAINEES

Central jail, the biggest jail in the country, had 775 inmates. Of which, 329 were convicted and 446 were accused. 49 of the inmates were foreigners. The women's prison, set up under the same management, had 81 convicted and 85 accused inmates at the end of the year. Eight of them were foreigners. There were 11 dependent children at the women's prison. Likewise, the Bhadrabandi Griha set up under the same management, had 201 convicted and 328 accused inmates. 25 of them were foreigners. There were 1480 inmates in central jail, women's prison and Bhadrabandi griha altogether which had a combined capacity of 1250 inmates. Jailer Shankar Acharya said that five inmates had died in the jail this year.

Peon Om Bahadur Pun of Land revenue office Makwanpur, who was detained for an attack on Under-secretary of Public Service Commission Dinesh Rai, died at Central jail on 31 August. Jailer Acharya said Pun died while undergoing treatment at Bir hospital after his health condition deteriorated despite receiving treatment inside the jail. Meanwhile, the family of Pun accused the jail administration of torturing him to death. A

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By Youth Force				By YCL				By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing					1	2		2	2	3		3
Injured									7	13	1	14
Beatings	1	2		2	4	15	1	16				
Threats	1		1	1								
Abduction					3	2	1	3	3	2	1	3
Total	2	2	1	3	8	19	2	21	12	18	2	20

post-mortem of his body was conducted at TU Teaching Hospital in Maharajgunj on 1 September. Under-secretary Rai lost his eyesight when Pun hurled a paperweight at him for not transferring him to PSC in Hetauda.

Similarly, there were 405 inmates in the Dillibajar-based Charkhal Adda Sadarkhor Jail which has the capacity of 200 inmates. Among them, 125 inmates were convicted and 280 were accused. The jail is in a dilapidated condition.

DISAPPEARANCE/ABDUCTION

By YCL

As many as three persons were abducted by YCL this year. Sangina Rajak, 28, of Teku, Kathmandu metropolis was abducted by a group of eight YCL cadres from her home on 10 July. Rajak was taken to the YCL central office in Balaju and beaten there on charge of being a UML activist. Sangina said that the YCL cadres also threatened her to join the Maoists. YCL cadres beat her indiscriminately with *lathis*. Sangina is the proprietor of a cold store in Teku and a cadre of UML-affiliated All Nepal Women's Union.

THREATS/BEATINGS

By State

As many as nine persons were threatened/beaten by State this year.

Reporter of Ujyalo FM Dipendra Kunwar, 30, of Parkot VDC-3, Gulmi was beaten by policemen at Anamnagar on 8 June while he was heading towards Anamnagar from Babarmahal. Kunwar said that Police Inspector Sunil Thapa kicked him in chest accusing him of not stopping on his order although he had showed his identity card.

By Maoists

As many as two persons were threatened/beaten by the Maoists this year. Khinmaya Timsina, 35, of Manohar basti, Kathmandu Metropolis-35 was threatened that he better remove the election mobilization and contact office of UML CA election candidate from Kathmandu constituency no. 2 Madhav Kumar Nepal. Eight Maoist cadres threatened Timsina of actions for not removing the UML contact office on 9 March.

By YCL

As many as 16 persons were beaten by the YCL cadres this year. Abinash Gurung, Dhan Bahadur Aale Magar, Maan Bahadur Rai, Subba Lama were beaten by YCL cadres on 21 February on the charge of not providing money as a donation. The four had set up temporary shops in a religious festival at Saali River in Sankhu. Saali River Pooja Management Committee had given the contract to YCL to collect

the fare of setting up temporary shops in the festival. The shop owners had objected to giving 500 rupees extra to YCL on the final day of the festival despite already having paid 4000 rupees as a fare. An association of the shop owners demanded treatment, compensation and return of their goods captured by YCL cadres in a press statement.

By Youth Force

As many as two persons were threatened/beaten by Youth Force this year. An employee at of Labour and Employment Promotion Department Bhuwan Regmi, 35, of Sunsari district was beaten by UML affiliated Youth Force cadres on 1 July on charge of taking bribes of Rs 15,000. Youth Force cadres handed Regmi to the Metropolitan police circle in New Baneshwore. A three member probe committee under the coordination of Krishna Prasad Dawadi, an officer of the LEPD, was formed to investigate the incident.

By Others

Maoist cadre Sheshraj Poudel, 18, of Hadiya VDC-7, Udaypur was injured when an unidentified group attacked him at Jorpati on 28 April. A student at Pashupati Multiple Campus in Kathmandu, Paudel was attacked while he was returning from campaigning for the CA election for Kathmandu constituency no. 4. Paudel was treated at Kathmandu Model hospital after sustaining injuries to the head, leg and back. Paudel was a member of the election mobilization committee for Kathmandu constituency-4 and member of ANNISU-R Pashupati campus.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Police arrested 24 Maoist victims

from Putalisadak on 29 August as they were staging protests after putting forward 15 point demands. Shailendra Bahadur Shahi, 46, of Mugu, Dev Bikram Shaha, Lal Kumari Rokka of Rolpa, Puskhar Sodari, 25, of Ramechhap, Ratna Bahadur Tamang, 26, of Udaypur, Mohan Mishra, Garba Singh Rokka and Srimaya Buda were among the arrested. All of the arrestees were released from the Metropolitan police sector Singhadurbar the next day. Nirmal Pandey was injured in the police intervention. She was treated at Kathmandu Model hospital.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

In Kathmandu district court, 2464 out of 5669 civil cases were decided and 3205 cases were awaiting decision at the end of this year. 2684 out of 5229 criminal cases were decided and 2545 cases were awaiting decision.

Suprem Court

In Suprem Court, 4960 cases were filed this year. 13198 cases had not been decided for more than a year. Out of total 13112 cases, 5768 cases were decided and 13112 remained undecided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT

Minister for Forest and Soil Conservation, Matrika Yadav, locked up local development officer Dandu Raj Ghimire on 17 June inside a toilet room on charge of allowing an illegal stone mine to operate in the community forest in Devichaur VDC and Chapagaun VDC. Minister Yadav had locked him in the toilet room of Ministry for Forest and Soil Conservation in Singh Durbar.

CHILD RIGHTS

A student of class UKG Samman

Katuwal, 7, of Kapan VDC-1 Adarsha nagartol, was abducted from near his home and killed on 16 December. The boy's body was found inside a well in the house of Rewatiraj Karki, about 200 metres away from his house on 25 December. Police arrested Ashok Tamang, 25, of Duwagadi VDC-8, Jhapa in connection with the murder. Ashok had demanded Rs 500,000 from Katuwal's family a day after the boy's abduction.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rabindra Bikram Rana of Saamkhusi, Kathmandu Metropolis-29 threw acid in the face of Saagar Gautam, 23, of Kathmandu Metropolis-33 Maitidevi, while she was heading towards her college on 18 November. Rana had attacked Gautam after she repeatedly rejected his marriage proposals. Saagar returned home after seven days of treatment at Nepal Medical College in Sinamangal. A complaint was lodged at the Metropolitan Police Sector Kamalpokhari against Rana on 21 November. She is currently working at Universal College in Maitidevi while Rana has been absconding.

Domestic Violence

Bhola Kumari Acharya alias Radha, 50, of Sinamangal, Kathmandu Metropolis-9 was killed after being abducted by her step-son and brother-in-law on 3 December after a dispute over a share of the property. The body of Acharya was found the next day near Ranipauwa in Kakani VDC, Nuwakot. Police arrested her brother in law Chanda Prasad Acharya alias Shalikram, 47, of Kavre, step-son Diwas Acharya, 21, friends of Dipak Mandip Pande, 24, Saroj Blon, 21 on 8 December on the charge of their involvement in the murder.



2.16 Dhading



Population : 395,859

Literacy(%) : 50

Women Literacy(%) : 35

Area(Sq. Km.) : 1,926

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 572/20

Campus(es)/Higher Secondary School(s) : 4/26

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.410

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By YCL

Nirmal Pant, 24, and Pushkar Dongol, 23, of Syuchatar VDC-9, Kalanki were killed by YCL cadres after being abducted on 20 October. Bishwas Basnet, 22, of Matatirtha VDC-3, who was also abducted along with Nirmal and Pushkar while having a meal at Malekhu in Gajuri VDC-2, managed to escape from YCL captivity the same day. YCL cadres killed the youths at Dhodeni jungle in Peeda VDC. The bodies of the youths were recovered from the banks of Daringal River in Peeda VDC-3. The bodies were exhumed at the initiation of media persons and human rights organisations, including



INSEC, and taken to Kathmandu.

Demanding that action be taken against the culprits, the brother of Pushkar Dipak Dongol and the mother of Nirmal Rukmini Pant lodged a complaint at the District Police Office Dhadhing on 5 November. They gave the names of 15 persons, including Dhruba Subedi of Peeda VDC-3, Krishna Thapaliya of Dhush VDC-2, Taara Bhandari of Gajuri VDC-1, Bharat Barakoti of same VDC-2, Manaranaj Bhandari of Nilkantha VDC-5, Rajan Regmi of Naubise VDC-2, Dipak Bidari of same VDC-3, Ramesh Adhikari, Dhruba Bikram Malla, Akash Basnet of Peeda VDC-1, who they believed were involved in the killing. Protests were organised in various parts of the country by the victims' families. The victims' families accepted the bodies of the two youths only after an understanding was reached with the government on 2 December. A three member probe commission chaired by former Apex Court Justice Rajendra Kumar Bhandari was formed by the government to investigate the incident.

INJURED IN SHOOTING/EXPLOSION

By Maoists

As many as 16 persons were injured in shooting/explosion by Maoists this year. Seven persons were injured when Maoist cadres detonated a bomb near the house of CA election candidate from Rastriya Janashakti Party Budhiman Tamang on 9 April. Maoists caused the blast accusing RJP of campaigning against them.

JAIL AND DETAINEES

The District Jail which only has the capacity to detain only 35 inmates had 62 inmates at the end of the year. Among them, three women and 17 men were convicted and five women and 37 men were accused. The inmates complained of lack of space in the jail. The jail, which is

in a dilapidated condition, has not been renovated. Water seeps from the roof during the rainy season.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as 11 persons were abducted by Maoists this year. UML cadres Binod Pandey, Baldev Pandey, Ram Kumar Paudel, Krishna Pandey and Uddhav Pandey of Chatredeurali VDC-8 were abducted by Maoist cadres on 9 April on the charge of not helping them. Maoist cadres threatened that they should not work for UML. They were released the next day.

By Youth Force

Manoj Thapa, 18, of Jiwanpur VDC-6 was beaten after being abducted at Hattiban in Kathmandu municipality on 19 October. A student of Maheshdharma secondary school, Thapa was abducted from Puranodharke in Jiwanpur VDC-9. He was treated with the help of Maoists in Kathmandu. Police did not file complaint against the Youth Force cadres despite the attempts of the victim to lodge a complaint at district police offices in Kathmandu and Dhading.

THREATS/BEATINGS

By Maoists

As many as 85 persons were threatened/beaten by Maoists this year. Principal of Mahakali Higher secondary school Krishna Prasad Aryal, 52, of Bumesthan VDC-6, teachers Top Thakuri, 34, Narayan Aryal, 38 and UML Bhumsthan Village Committee Secretary Krishna Bahadur Thapa, 39, were displaced following Maoists' death threats on 30 January. Accusing them of abducting a Maoist cadre Indra Bahadur Karki, Maoists MP Shalikram Jammakattel

Table : 1

Types of Event	By Non-State									By State			
	By Others				By Maoists								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total
Killing	5	5	1	6									
Injured	1	1		1	4	7	3	6	16				
Beatings	11	27		27	14	54	11		65	2	3	1	4
Threats	2	9	3	12	7	18	2		20				
Right to Assembly	1	12		12						1	3	21	24
Racial Discrimination	7	12	3	15									
Women Rights	10		11	11									
Child Rights	7	1	6	7									
Abduction	6	13		13	4	11			11				
Total	50	80	24	104	29	90	16	6	112	3	6	22	28

threatened to hang the men until they were dead if the government did not take action against them within three days. Krishna Aryal said that he was displaced after Maoists threatened to kill them. The displaced teachers returned home after 14 days on 11 February at the initiation of civil society.

THREATS/BEATINGS

By YCL

As many as 21 persons were threatened/beaten by YCL this year. Krishna Hari Shrestha, 45, of Baireni VDC-9, UML Village Secretary Arjun Rimal, 46, Feke Pariyaar, 32, Ram Sharan Adhikari, 52, Nawaraj Rimal, 25, Ganga Dutt Adhikari, 22, Sadhuram Khatiwada, 22, Badri Prasad Khatiwada, 22, were injured in an attack by YCL cadres at Koilikharka in Baireni VDC-4 on 20 March. Krishna Hari was treated at B&B hospital. YCL cadres had attacked them with rods and *lathis* while they were campaigning for the CA election.

By NC

As many as four persons were threatened/beaten by NC this year. Dambar Bahadur Magar, 39, of Murali Bhanjyang VDC-3 was injured when a group led by NC cadre

Raju Magar attacked him on 11 April for not joining NC. Magar sustained an injury to his face and was treated at the district hospital. No action was taken against the NC cadre although the victim had filed a complaint against him.

By UML

As many as 10 persons were threatened/beaten by UML this year. Maoist cadres Subash Jhyari, Maila Jhyari, Baburam Aale and Chuk Bahadur Jhyari of Kalleri VDC-1 were threatened with death by UML cadres on 31 October. Chuk Bahadur said that he had been forced to leave home for a day due to the threat.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Maoist cadres disrupted an election assembly organized by UML at Chandibhanjyang in Jiwanpur VDC-7 on 25 March. More than five hundred Maoist cadres who had come from Kathmandu in six buses pelted stones and *lathi*-charged at the assembled group as soon as the assembly began. UML withdrew the assembly after the Maoists did not allow it to take place for more than three hours.



Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML			By NC			By Youth Force			By YCL			By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing							1	1	1	1	2	2			
Injured													1	1	1
Beatings	1	1	1	2	4	4	1	1	1	7	21	21			
Threats	1	9	9												
Right to Assembly										1	12	12			
Child Rights										1	1	1			
Abduction							1	1	1	4	11	11	1	1	1
Total	2	10	10	2	4	4	3	3	3	14	47	47	2	2	2

RIGHT TO PROMPT AND FAIR TRIAL

Out of 50 civil cases, 13 criminal cases and 16 criminal cases, where the individual is plaintiff, brought forward from the last year, 79 cases were decided.

Out of 67 civil cases, 94 criminal cases and 70 criminal cases, where the individual is plaintiff, filed this year, 231 cases were decided.

90 civil cases and 113 criminal cases are awaiting decision at the district court at the end of the year.

CHILD RIGHTS

Kali Maya Tamang, 8, of Nayabasti, Nalang VDC-6 was killed after being raped by her neighbour Chandra Bahadur Tamang, 22 on 5 February. Chandra admitted to killing the girl after raping her at the Philing jungle nearby the village. He has been arrested on the charge of murder after rape.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Maiya Baskot, 50, of Salang VDC-6 was fed human excreta by a group of six persons, including Ram Krishna Pandey, 45, his wife Sita Pandey, 40, and Ekraj Pandey on 5 January. The group beat her and fed her human excreta after she resisted when Ram Krishna tried to molest

her. Although police arrested them, the group was released later on bail.

Muna Ramtel, 36, of Dhola VDC-4 was beaten by Fatyangre Damain of the same place on 24 November on the charge of being a witch. Damain also beat her husband with a *lathi* when he tried to intervene. Damain accused her of making her son ill by chanting spells. Muna was treated at local health post. She said that Damain continued threatening her with death despite a compromise reached between the two sides at the DPO.

Domestic Violence

Maya Karki, 40, of Salang VDC-8 was evicted from home along with her three children by her family on 24 August. The family evicted her and told her she must take care of the children on her own. She filed a complaint at the woman development office. Maya and her children are staying in a neighbour's home.

ALL KINDS OF RACIAL DISCRIMINATION

Santosh Sunar, Suk Bahadur Sunar, Krishna Sunar and Ram Bahadur Sunar, of Devasthan, Darkha VDC-6 were fined Rs 2,000 by villagers on 9 November for entering inside the house of a non-Dalit. The men from the so-called Dalit community were made to offer a public

apology for entering inside the house of Surendra Tamang of ward no. 3 of same VDC. The villagers threatened to expel the Dalit men from village and compelled them to pay the fine.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Property Capture

634 *ropanis* of land belonging to the members of Indrayani Community Forest Users Group at Belkhu, Baireni VDC-7 was captured by Maoist-affiliated workers on 1 September. More than five hundred Maoist-affiliated workers, who break stones on the banks of the Mahes River and the Aagra River, had captured the land in the community forest.



2.17 Sindhupalchowk



Population : 346,997

Literacy(%) : 41

Women Literacy(%) : 30

Area(Sq. Km.) : 2,542

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 507/24

Campus(es)/Higher Secondary School(s) : 6/32

Hospital(s)/Health Post(s) : 1/78

Human Development Index : 0.414

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade Sindhupalchok District Jail has a capacity to accommodate 35 inmates. However, there are a total of 66 inmates in the District Jail with 28 male and one female convict and 34 male and three female detainees. The inmates find it difficult to live in the jail as it is so over crowded. The inmates organized a fast-onto-death protest in the jail for five days from 16 December demanding general amnesty. However, they called off their protest in the presence of INSEC District Representative and journalists after the Assistant Chief District Officer, Govinda Sapkota, and former lawmaker, Krishna Raj Shrestha, assured them that they would pay proper attention to their demands.

THREATS/BEATINGS

By Maoists

As many as four persons were threatened/beaten by Maoists this year. UML District Committee Member, Ram Prasad Pyakurel, 46, from Thumpakhar VDC was beaten by Maoist cadres on 21 March for preparing the mass meeting of UML. The victim was beaten in Sunkhani VDC.

By YCL

As many as seven persons were threatened/beaten by YCL this year. The District Chairperson of the RPP, Gopal Shrestha, 45, of Thaplakot VDC-4 and Arjun Khadka, 44, of the same place were injured when YCL cadres attacked them with a *Khukuri* (a sharp weapon) on 25 March for encouraging votes for the RPP. The victims underwent treatment at the local Health Post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Central Chairperson of the RPP,



Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Killing	8	4	4		8							
Injured	4	14			14	2	9		9			
Beatings	4	6	1		7	1	1		1	1	1	1
Threats						2	3		3			
Right to Assembly	1			3	3	5	3	6	9			
Women Rights	8		8		8							
Child Rights	10		9	1	10							
Inhuman Behaviour	1	1			1							
Abduction	1	9			9							
Total	37	34	22	4	60	10	16	6	22	1	1	1

Pashupati Shumsher Rana, was barred from organizing a publicity campaign for the constituent assembly election by Maoists cadres on 8 March. The perpetrators pelted stones at the victim when he reached the Khalde Kholse area, bordering Jyamire and Lagarche VDCs. The victim was also greeted with a black flag. The victim did not organize the election campaign following the incident.

RIGHT TO PROMPT AND FAIR TRIAL

38 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Similarly, 54 criminal cases, where the individual is plaintiff, were filed this year. Among the total 92 criminal cases, where the individual is plaintiff, 27 cases were decided this year and 65 cases remained undecided.

43 criminal cases had been brought forward from last year and 23 criminal cases were filed this year. Of the total 66 criminal cases, 12 cases were decided this year and 54 cases remained undecided.

82 civil cases had been brought forward from last year and 40 civil cases were filed this year. Of the total 122 civil

cases, 14 cases were decided this year and 106 cases remained undecided by the end of the year.

Among the total 280 criminal cases, where the individual is plaintiff, criminal cases and civil cases, 225 cases remained undecided by the end of this year.

CHILD RIGHTS

A 17-year-old girl from Pipaldanda VDC-2 was raped by Janak Sapkota, 40, from the same place on 26 November in the victim's home. The victim underwent health check up at Chautara Hospital on the next day. The perpetrator remains at large till the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 35-year-old woman from Dhumthang VDC-7 was raped by Sahila Shrestha (alias Gathe), 46, from the same place, at the victim's residence on 4 September. The victim underwent a health check up at the Barabishe Primary Health Post. The perpetrator remains in jail till the end of the year.

Polygamy

Krishna Prasad Dhakal, 29, from Bansbari VDC-3, was married a second wife, Pabitra Nepal, 21, from Chandeshwork VDC-5 on 27 April. Krishna's first wife Sarada Dhakal, 19, filed a complaint against her husband. Krishna was detained and later released as per an order of the District Court on 2 June.

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML				By YCL			
	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Female	Total
Injured	1	3		3	3	11		11
Beatings					4	6	1	7
Right to Assembly	1		3	3				
Abduction					1	9		9
Total	2	3	3	6	8	26	1	27

2.18 Nuwakot



Population : 328,055

Literacy(%) : 55

Women Literacy(%) : 43

Area(Sq. Km.) : 1,121

Number of VDC(s)/Municipality(ies) : 61/1

Number of School(s) : 501/53

Campus(es)/Higher Secondary School(s) : 4/24

Hospital(s)/Health Post(s) : 1/66

Human Development Index : 0.463

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has 24 male and two female convicts and 37 male and eight female detainees by the end of

the year. There are a total of 71 convicted and detained inmates in the District Jail. One child was also in the District Jail with his parent. The male inmates are provided with two television sets and all the inmates have access to telephone and newspapers. The inmates have been demanding skill development training along with sports materials and other necessary goods in the jail.

DISAPPEARANCE/ABDUCTION

By YCL

As many as two persons were abducted by YCL this year. Ful Bahadur Tamang, 53, from Gosayang VDC-3 was abducted by YCL cadres on 11 January from the same place while the victim was moving in the village for allegedly being involved in trafficking of women. The victim was handed over to the DPO by YCL cadres on 14 January. The victim was released from the DPO after two days.

THREATS/BEATINGS

By Maoists

As many as five persons were threatened/beaten by Maoists this year. A Correspondent of the Kantipur Daily, Prakash Adhikari, Correspondent of the Nepal Samacharpatra Daily and Avenues Television, Dev Chandra Bhatta,

Table : 1

Types of Event	By Non-State						
	By Others				By Maoists		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	4	2	2	4			
Injured	1		1	1			
Beatings	7	9		9			
Threats	1	1		1	1	5	5
Racial Discrimination	1		1	1			
Women Rights	2		2	2			
Child Rights	4		4	4			
Abduction	2	2		2			
Total	22	14	10	24	1	5	5

Correspondent of Image Channel Kapildev Khanal, Correspondent of Annapurna Post Daily, Baburam Lamichene and Correspondent of Kantipur Television, Radhekrishna Shrestha, were given death threats by Maoistcadres on 14 April for releasing the results of the election in the media. The perpetrators issued threats to the victims for giving results of Nuwakot constituency number two to the media.

By YCL

As many as eight persons were threatened/beaten by YCL this year. Former Finance Minister Dr. Ram Saran Mahat was attacked by YCL cadres on 14 April at Ganeshstan VDC-7 Dotelbesi. The victim was injured when YCL activists pelted stones at the victim while he was traveling in the village after being victorious in the election of the constituent assembly. Ram Bahadur Tamang of Beteni VDC was also injured in the incident.

By NC

Sub-Editor of the Nuwakot Aawaz, Santosh Rijal, 30, from Tupche VDC-2 was beaten by cadres of the NC on 14 April in front of the office of the Chief Election

Officer. The victim was in the area to report on the results of the constituent assembly election. No action has been taken against the perpetrators by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Voting at the polling station in the Madanipur VDC building was postponed on 10 April after a group of NC cadres, led by former District President Jagadish Nurshing KC, captured the polling booth saying that Maoists did irregularities in the polling at the station. The re-election was held in the same polling station on 17 April.

RIGHT TO PROMPT AND FAIR TRIAL

76 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court of which four cases were decided this year and 72 cases remained undecided. Similarly, 24 criminal cases, where the individual is plaintiff, were filed this year in the District Court of which one case was decided this year and 23 cases remained undecided.

Among the total 100 criminal cases, where the individual is plaintiff, 95 cases remained undecided by the end of this year.

34 criminal cases were brought forward from last year of which one case was decided this year and 33 cases remain undecided. Similarly, 14 criminal cases were filed this year in the District

Court of which two cases were decided and 12 cases remained undecided. Among the total 48 criminal cases, 45 cases remained undecided by the end of this year.

33 civil cases were brought forward from the last year of which 14 cases were decided this year and 19 cases remained undecided. Similarly, 12 civil cases were filed this year in the District Court of which two cases were decided and 10 cases remained undecided. Among the total 45 civil cases, 29 cases remained undecided by the end of this year.

Among the total 193 criminal and civil cases, where the individual is the plaintiff, 169 cases remained undecided by the end of this year.

CHILD RIGHTS

A 10-year-old child from Samari VDC-4 was raped by Jit Bahadur Tamang, 65, from ward number 2 of the same VDC on 22 May at the victim's home. The victim was raped when she was alone at her home. The victim's father filed a complaint at the DPO on 25 May. The perpetrator was arrested and sent to Jail by the police.

A 16-year-old child from Ghyangphendi VDC-6 was rescued from being trafficked by Moiman Tamang and Sancha Tamang from the same VDC on 11 July. The police arrested the perpetrators on the same day and sent them to Jail on

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By NC			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	1	1	1	5	7	7
Threats				1	1	1
Abduction				2	2	2
Total	1	1	1	8	10	10

3 August as per the order of the District Court. The victim remains at her home by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Suresh Tamang, 18, from Thaprek VDC-5, attempted to rape a 20-year-old woman from Sundaradevi VDC-2 on 4 October while the victim was taking a bath. The perpetrator was sent to jail as per the order of the District Court on 24 October on attempt to rape charges.

Domestic Violence

Sabita Khanal (Tamang), 21, from Narjamandal VDC-3, was attacked with a *Khukuri* by her husband, Sete Tamang, for not abiding by his orders. The victim received an injury to her head. The perpetrator was sent to Jail for attempted murder.

ALL KINDS OF RACIAL DISCRIMINATION

Kalpana Nepali, 18, from Madanpur VDC-1 was beaten by Purna Prasad Pandey, from the same place, on 13 June for touching a water tap. The victim was beaten by the perpetrator for being of a so-called lower caste and touching the water. The perpetrator apologized publicly under pressure from the Maoist affiliated Dalit Mukti Morcha.



ECONOMIC, SOCIAL AND CULTURAL RIGHTS

YCL cadres, led by Village Committee Member of the Maoist affiliated Newar Mukti Morcha Lal Bahadur Shrestha, 33, destroyed a newly constructed house belonging to Chandra Bahadur Balami, 35, from Oakharpouwa VDC-7 on 6 May. The house was destroyed because of an allegation that the victim did not vote for the Maoists in the constituent assembly election.

2.19

Rasuwa



Population : 52,286

Literacy(%) : 47

Women Literacy(%) : 35

Area(Sq. Km.) : 1,544

Number of VDC(s)/Municipality(ies) : 18/0

Number of School(s) : 108/3

Campus(es)/Higher Secondary School(s) : 1/3

Hospital(s)/Health Post(s) : 1/18

Human Development Index : 0.394

Average Household Size : 5.56

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "E" grade District Jail of Rasuwa, which has the capacity to accommodate 25 inmates, housed 15 convicts and two

detainees at the end of the year. All of the detainees were men. Inmates were provided 700 grams of rice and Rs 30 per day as allowance. They have bought a television set and a radio with their own money.

DISAPPEARANCE/ABDUCTION

By YCL

As many as two persons were abducted by YCL this year. District Committee member of DNYF Ram Kumar Neupane, 27, of Bhorle VDC-7, was abducted by YCL from his uncle's home at Bhorle VDC-9 on 16 February. He was taken to jungle and beaten up on charge of holding a UML assembly at a Maoist base. YCL cadres left him in the jungle after he fell unconscious due to the YCL beating. He was treated at TU Teaching hospital in Maharajgunj after receiving initial treatment at Jibjibe primary health centre. Neupane had sustained an injury to his head, leg and different parts of the body. Maoists had threatened to kill him earlier on the charge of working against them.

THREATS/BEATINGS

By YCL

NC District Committee member Janak Jiwan Upadhyaya, 36, of Thulogaun VDC-8 was injured when YCL cadres attacked him in Bhorle VDC-4 on 1 April. He sustained injuries to his face and thigh. Upadhyaya and other NC cadres were attacked as they were campaigning for the CA elections.

ARBITRARY ARREST

Maoist Cadres Ram Bahadur Tamang, Jit Bahadur Tamang, Krishna Ghimire, Bishnu Dhakal, Jit Bahadur Moktan, Arjun Prasad Agasti and Suk Bahadur Tamang were arrested on 2 April on charge of pelting stones at a patrolling police van during CA Election. They were detained for eight days without an arrest warrant. They were released on 10 April.

Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1		1		1							
Injured	4	6			6	5	5	3	8			
Arrest & Torture										2	9	9
Beatings	4	4	1	3	8	6	6		6			
Threats	2	2			2	6	6	2	8	1	1	1
Right to Assembly	2	14	4		18	1	4		4			
Women Rights	2		2		2							
Inhuman Behaviour	1		1		1							
Abduction	2	2			2							
Total	18	28	9	3	40	18	21	5	26	3	10	10

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

Nepal Tarun Dal Central committee member Raju Titung, 29, of Dhunche VDC-7, NC cadres Parwati Tamang, and Nima Dawa Tamang, 36, of Yarsa VDC-4 and Surya Lal Nagarkoti, 25, of Saramthali VDC-1 were injured when YCL cadres attacked them at Bhorle VDC-4 on 1 April. The NC cadres were attacked at Kimarjong danda as they were heading towards Yarsa VDC for an election campaign.

RIGHT TO PROMPT AND FAIR TRIAL

Of the total six criminal cases including criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Among these cases all cases were decided this year. 11 criminal cases including criminal cases, where the individual is plaintiff, were filed this year. Among them only one

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By YCL				By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	M/F N/A	Total
Injured	3	5		5				
Beatings	2	2	1	3	1	1	3	4
Threats	1	1		1				
Right to Assembly	2	14	4	18				
Abduction	2	2		2				
Total	10	24	5	29	1	1	3	4

case was decided this year and 10 cases remained undecided.

Similarly, of the seven civil cases filed this year, one case was decided and six cases remained undecided till the end of the year.

CHILD RIGHTS

Sanutasi Tamang, 14 and Laxman Tamang, 15, of of Ramche VDC-3 were arrested by police on 2 April on charge of pelting stones at a patrolling police van during the CA elections from Rameche VDC-8. They were released eight days later. The boys said they were taken to participate in an election programme for the Maoists.



3. WESTERN REGION

- | | |
|-----------------|-------------------|
| 3.1 Tanahun | 3.9 Palpa |
| 3.2 Gorkha | 3.10 Kapilbastu |
| 3.3 Lamjung | 3.11 Arghakhanchi |
| 3.4 Syangja | 3.12 Gulmi |
| 3.5 Kaski | 3.13 Baglung |
| 3.6 Manag | 3.14 Parwat |
| 3.7 Nawalparasi | 3.15 Myagdi |
| 3.8 Rupandehi | 3.16 Mustang |

3.1 Tanahun



Population : 358,485

Literacy(%) : 63

Women Literacy(%) : 56

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 46/1

Number of School(s) : 550/84

Campus(es)/Higher Secondary School(s) : 7/25

Hospital(s)/Health Post(s) : 2/46

Human Development Index : 0.524

Average Household Size : 5.5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "C" grade District Jail has 40 convicts and 29 detainees by the end of the year. Inmates find it difficult to live in the overcrowded jail which has the capacity for only 25 inmates. The inmates face an acute shortage of water and are forced to meet their daily needs by pumping water through a generator from the Madi River.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as three persons were abducted by the Maoists this year. Basu Neupane, the principal of Janjyoti Primary School in Dharampani VDC-7 and Regional Joint-Secretary of Nepal

Teachers' Association Tanahun was abducted by the Maoists on the evening of 22 March. He was abducted from his rented room in Dharampani VDC-7 the next morning from Jhyapri of Bandipur VDC. Neupane said a group of about 12 persons had blindfolded him and tied his hands behind him before taking him.

THREATS/BEATINGS

By State

As many as five persons were threatened/beaten by State this year. Policemen beat up Dr Subash Bahadur Basnet of Pokhara a doctor at Damauli Hospital and an assistant health worker Lalu Prasad Sharma of Chitwan who was working in the same hospital on 31 May. They were beaten at a sports field in Byas Municipality-10 by DSP Ghanshyam Aryal's personal security personnel Dev Bahadur Pulami, Gyan Bahadur Oli and Bishnu Khatri despite the doctor's attempt to tell them his identity. Both were treated at Damauli Hospital and taken to Western Regional Hospital Pokhara for further treatment. DSP Aryal insisted that his men had only shoved the doctor and the assistant health worker because they were making noise in front of the DSP quarters. Nevertheless DSP Aryal also stated that departmental action was being taken against them.

By Maoists

As many as two persons were threatened/beaten by the Maoists this year. NC activist Narayan Khadka, 34, of Parche in Bandipur VDC-2 was displaced to the district headquarters damauli for a week from 10 March following threats by the Maoists. Khadka said he had to leave the place after the Maoists tried to attack him with a *khukuri* during a dispute over the maintenance work of a road side drain on 10 March.

Table : 1

Types of Event	By Non-State								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Injured	1	6		6							
Arrest & Torture									2	3	3
Beatings	9	16		16	1	1		1	1	2	2
Threats	3	2	5	7	1	1		1			
Right to Assembly					2	10	1	11			
Child Rights	2		2	2							
Abduction	4	18		18	2	3		3			
Total	19	42	7	49	6	15	1	16	3	5	5

By YCL

As many as 12 persons were threatened/beaten by YCL this year. NC Shankar Joshi, Bimal Joshi, Min Bahadur Tamang, Pradeep Joshi, Subas Joshi and Prasant Joshi of Khalte in Rupakot VDC-6 were injured in an attack by the YCL cadres on 8 April. NC's central committee member Udayraj Gauli informed INSEC that a group of about 200 cadres arriving from Lamjung and armed with *khukuris*, spears and batons entered into the houses of NC cadres and brought them to the field of the local Tribhuvan Primary School. The injured were treated at Damauli Hospital.

By NC

As many as four persons were threatened/beaten by NC this year. UML-affiliated ANNFSU district chairperson Ramesh Prasad Acharya of Ghansikuwa VDC was beaten by the NC cadres in his house on 21 March. He was assaulted for being involved in the publicity campaign for the UML candidate for constituency-1 Ek Bahadur Rana. The NC cadres, who had arrived in an inebriated condition,

had also assaulted Acharya's father Krishna Prasad.

RIGHT TO EXPRESSION/ASSEMBLY AND ASSOCIATION**(Political Freedom Including Free and Impartial Election)**

A Maoist attack on an election assembly held by NC constituency-1 at Bhumarse of Bandipur VDC-3 on 30 March left 16 persons injured including some security persons. About 300 Maoists created a disturbance at the programme attended by NC candidate Govinda Raj Joshi. Policemen baton-charged and fired into the air in an attempt to take control of the situation. NC cadre Naresh Giri, Pradeep Pariyar, Madan Gurung, Dipen Gurung, Raju BK, Bhimraj Gurung, Bharat Gurung and Gangaman Gurung were injured. Joshi's bodyguard Sub-Inspector Binod Bikram Sen, Head Constable Rishiram Bhattarai and Maoist cadres Santa Bahadur Ale, Santosh Chhetri, Ram Bahadur Kunwar and Buddhi Bahadur Kunwar also sustained injuries. Sen, Bhattarai and Giri were taken to Pokhara for treatment while others were taken to Damauli Hospital and Laxmi Hospital.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By NC			By Youth Force			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured				1	6	6			
Beatings	3	4	4				4	11	11
Threats							1	1	1
Abduction							4	18	18
Total	3	4	4	1	6	6	9	30	30

RIGHT TO PROMPT AND FAIR TRIAL

40 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Similarly, 50 criminal cases, where the individual is plaintiff, were filed this year. Among the 90 criminal cases, where the individual is plaintiff, 27 cases were decided. Likewise, out of 39 criminal cases where the government is plaintiff, were brought forward from the last year and 24 criminal cases, with government as plaintiff, were filed this year. Among them, nine cases were decided. Out of 106 civil cases brought forward and 56 new criminal cases, 25 cases were decided by the end of the year.

CHILD RIGHTS

A 14 year old girl of Tinpiple, Manpang VDC-9 was impregnated by her father Sukra Bahadur Pariyar, 57 after he raped her on 11 June. The victim was raped when she was working in the field. Sukra Bahadur has been in custody on remand in the district prison, Damauli. The girl's pregnancy was terminated at Damauli Hospital.

A 10 year-old-girl of Bhansar in Bhanu VDC-5 was raped by Tanka Bahadur Adhikari, 73, in the field nearby her house on 19 November. The perpetrator who used to work in her house raped her

when nobody was at home. Adhikari is in custody in district jail, Damauli for further investigation.

3.2 Gorkha



Population : 320,004

Literacy(%) : 60

Women Literacy(%) : 53

Area(Sq. Km.) : 3,610

Number of VDC(s)/Municipality(ies) : 66/1

Number of School(s) : 496/24

Campus(es)/Higher Secondary School(s) : 2/25

Hospital(s)/Health Post(s) : 2/74

Human Development Index : 0.454

Average Household Size : 5

Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Arrest & Torture	5	10	1		11	7	10	1	10	1	2	2
Beatings						3	3		4			
Threats						8	10		10			
Right to Assembly												
Racial Discrimination	2			69	69							
Child Rights	6		6		6							
Economic, Social and Cultural Rights						1	1		1			
Total	13	10	7	69	86	19	24	1	25	1	2	2

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The “D” grade District Jail with, a capacity of 55 inmates, has 32 male and seven female convicts and 21 male and three female detainees at the end of the year. There is one dependent boy among them as well. Both the male and female sections of the jail have one colour television set each and access to sports goods and newspapers. The inmates also have monthly health check-ups and are taken to the hospital for treatment if necessary.

THREATS/BEATINGS

By Maoists

As many as 14 persons were threatened/beaten by the Maoists this year. NC activist Achyut Neupane, 33, and Amar Dhital, 29, President of Gorkha Campus Nepal Student Union were beaten on 15 March. Maoist cadres assaulted them at Luintel Bhanjyang in Gaikhur VDC-8 while they were on the election campaign. Nepali Congress reported that the duo was campaigning for Chandra Prasad Neupane, NC candidate for constituency-2.

The Rajdhani Daily reporter, Kailash Babu Shrestha, and Kantipur

reporter, Damodar Neupane, among other journalists based in Gorkha were threatened by the Maoists on 11 April over an election related news article. The Maoists warned of dire consequences if the journalists wrote negative news articles about the Maoist party.

Maoist cadres beat Mohan Pokhrel, an NC activist from Gorkha, and accused him of organizing an attack against Maoist cadres on 12 April. A resident of Chhoprak VDC, Pokhrel, was beaten up after being forced to get off a microbus on his way from Gorkha to Kathmandu in Terakilo. Pokhrel is also the vice president of a Human Rights Organization in Gorkha.

By YCL

As many as eight persons were threatened/beaten by YCL this year. Youth Force activists Kiran Sunar, Min Bahadur Baram, Ganesh Dhakal, Prakash Bhandari, Samita Sunar, Raju Gurung and Bhim Bahadur B.K. were seriously injured in a YCL attack on 26 October in Aaruchanaute VDC-3. The UML in Gorkha reported that their activists were assaulted on their way home after participating in the 5th district conference of the All Nepal Students Union. However, Maoists have claimed

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By NC			By Youth Force			By YCL			
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Beatings	2	2	2	1	1	1	2	7	1	8
Total	2	2	2	1	1	1	2	7	1	8

that the Youth Force activists provoked Maoists by chanting slogans against them.

By NC

As many as two persons were threatened/beaten by NC this year. Lok Prasad Banjara alias Akkal, a member of the Maoists' Tamuwan State Committee, was seriously injured in an attack by the NC activists on the night of 10 April. The victim was attacked while he was transporting election ballot papers from the election booth at Tarakhase in Tandrang VDC to the district headquarters. He sustained serious head and hand injuries and was taken to Bir Hospital in Kathmandu for treatment.

By Youth Force

Sudip Kaini, a member of the Association of Revolutionary Journalists in Gorkha, was beaten up by Youth Force activists on the premises of the District Hospital on 27 October. Kaini was attacked while he went to inquire about the situation of four Youth Force activists who were injured in a YCL attack in Aaruchanaute VDC-3 on 26 October.

RIGHT TO EXPRESSION/ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

Maoist activists restricted the UML candidate for constituency-3 in Gorkha, Bikal Kumar Shrestha, from campaigning for CA Elections on 17 March.

A team led by the UML candidate, Krishna Bahadur Nepali, was stopped amid their way to the polling booths by Maoist activists. They were turned away stating that they needed entry permission from Maoists to go into the election areas.

An election team led by Rudra Raj Pandey, the RPP candidate for constituency-1, boarded a vehicle with number plate Ga 1 Cha 3173 was prevented from holding an election campaign in Ashrang VDC by Maoist activists on 26 March. They were turned back with the Maoists stating that Royalists were not allowed to campaign for elections.

A group of more than 1,000 Maoist supporters' gheraoed picketed the house of Chinkaji Shrestha, the NC candidate for constituency-3 in Gorkha situated at Aaruchanaute VDC-2 for four hours on 30 April. The Maoists accused the NC supporters of mistreating their female supporter while returning from a mass gathering programme organised by Maoists at Aarughat Bazaar.

An international observer group (Asian Network for Free Election) was heading towards Saathbise of Borlang VDC to monitor the election process and was forced to turn around by Maoists on 3 April. Maoists told the team to go back, claiming that the International observer groups, HR defenders and Journalists were acting against their party. Two members of the team, Tenjing Palijar and the FNJ President of Gorkha, Kishor Jung Thapa

informed INSEC of the event. A joint team led by the INSEC district representative, the Director of the NHRC Regional Office, Achyut Acharya was also stopped by the Maoists while returning from monitoring an election mass assembly on the same day at Mahadevtar in VDC-7.

RIGHT TO PROMPT AND FAIR TRIAL

There were 38 criminal cases transferred from last year and 48 newly registered in the district court out of which 39 cases were decided. Similarly, there were 10 cases transferred from last year and 47 registered this year out of which 11 cases were decided.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Dilip Basnet and Sandesh Maskey from Gorkha Municipality were arrested and tortured in police custody on 6 October for allegedly fighting with policemen. They were released on the same day. They were beaten by pipes and sticks while in custody and had blue marks and bruises all over their bodies.

CHILD RIGHTS

Police arrested Krishna Nepali, 40, for raping his 10-year-old niece from Mirkot VDC-8 on 16 March. The perpetrator was arrested and taken into custody for investigation after the victim's mother, Bishnu Maya Nepali, filed a complaint against her brother on 18 March.

Police arrested Shankar Pariyar, 19, for raping a mentally disabled 14-year-old girl from Gorkha Municipality-7 on 7 May. The victim's mother, Phool Maya Khatri Pariyar, filed a complaint at the police station on 8 May. Pariyar has been in police custody for investigation at Gorkha prison since 1 June.

Police arrested Govinda Nepali, 40,

for raping a 2-year-old girl from Gorkha Municipality-4 in her own house on 19 May. The victim's mother, Pyauli Nepali, filed a complaint at the police station on 20 May. The perpetrator has been in custody for investigation since 10 June following the court's order.

ALL KINDS OF RACIAL DISCRIMINATION

A teacher and the management committee of the Jeevan Prathamik Vidhyalaya school situated in Kerabari VDC-4 showed discriminatory behaviour against Dalit students at a picnic organized by the school on 10 January. There were altogether 104 students including 68 Dalits at the program. The dalit students were not allowed to cook or touch the utensils used by the teachers and the members of the management committee. The school had collected nearly half a kg rice and Rs 50 from every student for the picnic.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A group of more than 50 local Maoists stole rice from the house of Janga Bahadur Kumal from Mirkot VDC-5 on 20 November. But Maoists denied their involvement in the incident and claimed that another party returned the rice because it was cultivated on disputed land.

As in previous years, there was a food deficit in the remote northern parts of Gorkha. The locals were forced to celebrate the Dashain festival with 2 kgs of rice after the subsidized rice by the Nepal Food Corporation reached the area late and short of the amount required. Similarly, the locals complained of irregular distribution of the elderly and widow allowance through the VDC Offices as the VDC secretaries remained at the district headquarters.

3.3 Lamjung



Population : 198,302

Literacy(%) : 60

Women Literacy(%) : 46

Area(Sq. Km.) : 1,692

Number of VDC(s)/Municipality(ies) : 61/0

Number of School(s) : 530/22

Campus(es)/Higher Secondary School(s) : 6/16

Hospital(s)/Health Post(s) : 1/61

Human Development Index : 0.492

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail with a capacity of 25 inmates has one female and 34 male inmates at the end of the year.

Inmates complained that they did not have access to newspapers and that there was no television in the female ward.

DISAPPEARANCE/ABDUCTION

By Maoists

UML activists Ramesh Adhikari from Nauthar VDC and Purna Bharati from Dhodeni VDC, were assaulted by Maoists in Saranchowl Beshi while they were returning from a UML election mass assembly on 3 April. In the same incident, UML activist Ganesh Nepali from Dhodeni VDC was abducted. Nepali was beaten and released on the same night.

By YCL

Samsheer Nepali, 35, from Bhoteodar was abducted from his house by YCL on 17 August allegedly for stealing. He was released on 18 August from Sundar Bazaar.

THREATS/BEATINGS

By State

Krishna KC, 32, chairperson of the FNJ Lamjung, was harassed by Police Sub-inspector, Jeevan Poudel, of the Investigation Unit on 11 January in the office of the CDO while the CDO had gone to DAO for news collection.

Table : 1

Types of Event	By Non-State							By State		
	By Others				By Maoists					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured	2	7		7						
Beatings	10	21	1	22	4	14	14			
Threats	1	1		1	1	4	4	1	1	1
Racial Discrimination	1	1		1						
Inhuman Behaviour	1	1		1						
Abduction	1	1		1	1	1	1			
Total	16	32	1	33	6	19	19	1	1	1

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML				By NC			By YCL		
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured					1	6	6	1	1	1
Beatings	4	12	1	13	2	2	2	3	5	5
Threats								1	1	1
Abduction								1	1	1
Total	4	12	1	13	3	8	8	6	8	8

By Maoists

As many as 18 persons were threatened/beaten by the Maoists this year. UML activist Suman Dhakal, from Bangre VDC-6 was beaten by Maoists at his own home on 7 April. Dhakal was beaten by the Maoists for campaigning for the UML. Dhakal sustained a serious injury to his right leg and was treated in Pokhara.

By YCL

As many as six persons were threatened/beaten by the YCL this year. Umanath Sharma, 22, from Baglung and Roshan Subedi, 21, from Chitwan were thrashed by YCL activists on 16 January for going to the Lamjung Agriculture College for political activity. The victims underwent treatment at the Poly Clinic in Bhoteodar. The duo are members of the Nepal Student Association, Rampur in Chitwan.

Prem Ghale, member of the UML district committee secretariat was attacked with a Khukuri on the morning of 9 April by YCL activists. He was airlifted to the district headquarters on the same day.

YCL activists vandalized the bread store of Govinda Basnet residing in Beshisahar VDC-2 on 7 August. Basnet also received death threats and was warned not to be against the YCL.

By UML

As many as 13 persons were threatened/beaten by UML this year. NC activists Brisraj Gurung and Om Gurung from Purankot VDC-6 were beaten by UML activists for campaigning for the Nepali Congress on the night of 26 April. The victims were treated at the Beshisahar Community Hospital.

By NC

As many as eight persons were threatened/beaten by NC this year. NC activists thrashed Gopal KC, the chief of the Lamjung Agriculture College, accusing him of not providing security to Nepali Congress students on 17 January. YCL activists had thrashed NC students a day earlier.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Maoist cadres threatened NC activists Sankar Adhikari, Chunamani Adhikari, Pashupati Adhikari and Purna Bahadur Adhikari as they were preparing for a door to door campaign in Bharte VDC on 5 April. The program was cancelled following the threat.

NC activists attacked local UML activists in Jita VDC on charge of insulting them during their election mass assembly on 6 April. Baikuntha Ghimire, Bhoj Raj Ghimire, Sunil Gurung, Dhruba Ghimire and Ramhari Ghimire were injured during the incident. NC cadre Shree Krishna Tiwari was also among the injured. All the victims were treated at the Beshisahar Community Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

29 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court and 15 new cases were filed this year. Among them 36 cases remained pending at the end of this year. Eleven criminal cases were brought forward from last year and 24 were filed this year. Among them, 19 cases remained pending at the end of this year. There are no cases older than five years. Similarly, no cases were registered at the DAO this year. One case forwarded from last year has been decided and two remained undecided at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Prakash Pariyar, 21, from Bhoteodar VDC-3 received death threats by relatives of his wife on 3 December because Pariyar belongs to a so-called lower caste than his wife.



3.4 Syangja



Population : 337,670

Literacy(%) : 72

Women Literacy(%) : 57

Area(Sq. Km.) : 1,164

Number of VDC(s)/Municipality(ies) : 60/2

Number of School(s) : 691/64

Campus(es)/Higher Secondary School(s) : 13/50

Hospital(s)/Health Post(s) : 1/60

Human Development Index : 0.535

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION By State

Eight persons including Bijay Gurung, Thakur Gurung, and Rajesh Rana of Putalibazaar Municipality-1 were injured in police fire on 21 June. The incident occurred when the police tried to control the rally organized to protest the alleged killing of Manju Gurung, 21, by Lok Prasad Dhakal, 25, of Putali Bazaar. The victims were treated at a local hospital. Dhakal and Gurung had been having an affair for the past four years and the duo had attempted suicide by consuming poison on 16 June after his family refused to accept Manju. After she died on 20 June, Manju's family accused the Dhakal family of hanging her to death in his uncle's house. Lok Prasad was forced



Table : 1

Types of Event	By Non-State							By State			
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total
Killing	6		6	6				1	3	5	8
Injured											
Beatings	3	2	2	4	1	1	1				
Women Rights	10		10	10							
Child Rights	4		5	5				1	2		2
Total	23	2	23	25	1	1	1	2	5	5	10

to perform all the rituals of marriage. Her death rituals were performed on the same day according to Brahmin tradition. Lok Prasad along with his mother Chandra Kala Dhakal, 48 and uncle Narayan Dhakal, 35, were arrested for further investigation. They were released following the SC order on 22 December.

JAIL AND DETAINEES

The "E" grade District Jail with a capacity of 35 inmates has 50 male and four female detainees by the end of the year. Among them 12 are convicted and 42 are detained. Male and female sections have one colour television each and access to newspapers and a good supply of water and electricity. Health check ups of the inmates, however, are not conducted on a regular basis.

THREATS/BEATING

By Maoists

UML activist Jaman Singh Nepali, 38, of Changchangdi VDC-1 was beaten by Maoist activists who accused him of promoting UML politics on the night of 8 April. The victim was treated at the local hospital.

By YCL

District vice president of Nepal Student Association Bishnu Poudel, 25, of

Waling Municipality-2 was assaulted by YCL activists on 26 March on the charge of taking money in order to provide mobile simcards to the students. The victim was treated at the local hospital.

By NC

YCL district committee member Anil Lamsal of Malyangkot VDC-5 was thrashed by NC activists Pravin Giri and Sital Giri over the issue of CA elections on 25 May. The victim was treated at the local hospital.

RIGHT TO PROMPT AND FAIR TRIAL

Among the 23 criminal cases where the individual is plaintiff, and forwarded from last year, 11 cases remained pending. Among 38 criminal cases, where the individual is plaintiff, that were filed this year, 23 remained undecided. Similarly, among 22 criminal cases brought forward from the last year and 17 cases that were registered this year, 35 remained undecided by the end of the year.

Among the 174 civil cases brought forward from the last year, 160 cases remained undecided this year.

CHILD RIGHTS

A 12-year-old girl of Punali Bazaar Municipality and a 13-year-old girl of Rangbhang VDC-3, who were being taken

to India, were rescued by their relatives on 1 January. They were lured to India with the promise of good jobs by a man named Manu. Police arrested Phool Maya Kunwar, 35, of Putali Bazaar Municipality-2 in connection with the case and she was in police custody in Syangja DPO for further investigation.

Manamaya Shrestha, 15, and her sister of Waling Municipality-2 were beaten and expelled from the house by their uncle Khem Bahadur, 56, on 11 February. Their parents had died some eight years ago. Khem Bahadur expelled them after transferring all their parental property to his name. The victims were living with their relatives by the end of this year.

Pitambar Rana, 14, and Narin Rana, 15, of Nibuwakharka VDC-6, detained on murder charge, were forced to remain in District Jail, Syangja due to the lack of space at the Child Rehabilitation Centre. Bhaktapur Earlier the District Court had issued an order to send them to the Centre on 28 December 2008. Twelve persons including them were arrested when Yam Bahadur Rana died in a clash at Pelakot VDC on 26 October. The duo has been in the jail since 2 November.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Maya Kunwar, 32, of Chinnebas VDC was killed at her own house on 25 January. Her husband Laxman Kunwar was arrested after the victims' maternal family filed a complaint against him. However,

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Type of Events	By NC			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	1	1	1	1	1	1
Total	1	1	1	1	1	1

Laxman was freed on bail following the Supreme Court order on 15 July.

Sushila Sunar, 25 of Setidovan VDC-3 was beaten and expelled from her house by her husband Raju Sunar, 35, after being accused of not bringing her dowry on 31 March. She is residing at her mother's house with her 4-year-old son.

Rewati Sharma, 64, of Setidovan VDC-6 was beaten and expelled from her house by her son Dhanpati Sharma, 30, on the charge of giving a share of the property to her daughter on 4 March. Presently, she is staying at her relative's house.

Durgimaya Thapa Magar, 45, of Oraste VDC was axed to death by her 15-year-old daughter on charge of being a witch on 13 June. She was sent to Child Rehabilitation Centre, Bhaktapur on 17 June.

ALL KINDS OF RACIAL DISCRIMINATION

Suresh BK, 21, of Waling Metropolitan-3 and his wife Ujata Chhetri, 19, of Jagatbhanjyang VDC-6 were held in custody at the Ward Police Office for three days. The act was taken on the request of Chhetri's family in order to separate the duo as the family did not approve of the inter-caste marriage held on 24 July.



3.5

Kaski



Population : 467,995

Literacy(%) : 72

Women Literacy(%) : 61

Area(Sq. Km.) : 2,017

Number of VDC(s)/Municipality(ies) : 43/2

Number of School(s) : 559/196

Campus(es)/Higher Secondary School(s) : 16/62

Hospital(s)/Health Post(s) : 7/48

Human Development Index : 0.550

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLINGS/FIRINGS

By Unidentified Group

UML activist Rishi Ram Subedi, 30, from Ludrunkhet Khimaje in Saimaryang VDC-3, was killed by a group of three masked men at Bagkhor Chautari VDC-5 after being held in captivity on 10 April. Subedi received a head injury while he was returning home after voting at the Rastra Jyoti Madhayamik Vidhyalaya polling station in Saimaryang VDC-6. The victim's friend Brihaspati Lamichhane, who was with Subedi managed to flee from the attack. Subedi was found dead one hour after the incident. It is suspected that he was killed over an election dispute but the details are yet to be established. The District Administration Office provided Rs

700,000 as compensation to the victim's family on 10 July.

INJURED IN SHOOTING/EXPLOSION

By TDA

Som Bahadur Gurung, 18, and Bishwas Gurung, 21, from Armala UPC, Sujina Subedi, 51, from Pokhara sub-metropolitan-9, Bhim bahadur Pariyar, 69, from Parbat district, Maya pariyar, 55, Ramesh Pariyar, 37, and Mitthu Timilsina, 36, from Kavre district were injured in a bomb explosion at a tea shop owned by Bishnu Subedi in Pokhara sub-metropolitan-8 on 6 August. Mr John of the Tarai Defense Army claimed responsibility for the attack, speaking to the media over the telephone. Bishwas and Som Bahadur were treated at the Manipal Teaching Hospital while the others returned home on 7 August after receiving primary treatment at the local Fewa City Hospital.

JAIL AND DETAINEES

The "C" grade jail has 90 male and nine female convicts and 82 male and 12 female detainees awaiting trial at the end of this year. There is one foreigner and one boy in the prison.

The jail was constructed this year with the financial support of the ICRC amounting to Rs 3.5m. There is access to clean water, sanitation, electricity, health, newspaper, radio, TV, sports goods, school materials and telephone.

DISAPPEARANCE/ABDUCTION

By YCL

As many as seven persons were abducted this year by YCL. Jaya Bahadur Gurung, 35, of Khilungdeurali VDC-6 Syanjya, received a death threat after being abducted by YCL cadres on 22 October night. The victim was accused of cheating a sum of Rs 651,000 out of Moti Maya Gurung, 40. He was severely beaten and tortured at the YCL camp at Pokhara

Table : 1

Types of Event	By Non-State							By State			
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total
Killing	2	1	1	2							
Injured	2	9	3	12							
Beatings	12	19	4	23	3	4	4	1	6	5	11
Threats	2	2		2	1	1	1				
Right to Assembly								1	5		5
Women Rights	4		4	4							
Child Rights	5		7	7							
Abduction	4	7		7							
Total	31	38	19	57	4	5	5	2	11	5	16

Sub-metropolitan-9 and was handed over to police on the same day. Gurung was released on remand the same day.

THREATS/BEATINGS

By State

As many as 11 persons were threatened/beaten by State this year. One policeman and 11 Maoist activists were injured in a police baton charge as they were returning from an election mass assembly at Sishuchowk in Lekhnath Municipality-8 on 25 March. Maoists reported that they were attacked all of a sudden by police when they were inquiring about a dispute between a conductor and a passenger on a city bus. Among those injured included Somati Tamu, Maoist district secretariat member Bishnu Podel, YCL regional chairperson Sudhir, Gokul Parajuli, Raghunath Dhakal, and Tek Bahadur Ranabhat. Sub-inspector Narendra Manadhar also sustained minor injuries in the incident.

By Maoists

As many as five persons were threatened/beaten this year by Maoists. The UML district committee member, Sanokhadka Bahadur Pariyar, 46, from

Kaskikot VDC-5, was beaten by a group of between 15 to 20 Maoist cadres on the night of 13 March. The victim was manhandled while he was asking his 18-year-old daughter, Kopila BK, about her entry into the Maoist party during a mass assembly for the election at Kaskikot. Pariyar sustained injuries to his head, neck and back and was treated at the Charak hospital.

Two labourers aligned with GEFONT were injured in an attack by the Maoist affiliated labourers working in the Pokhara Noodles Pvt. Ltd on 2 January. The injured are Karna Singh Gurung, 48, and Ramhari Rimal, 35. The dispute erupted over the subject of the expulsion of 12 labourers by the management committee on 30 December. The injured were treated at the Western Regional Hospital.

By YCL

As many as 17 persons were threatened/beaten by YCL this year. Dum Bahadur Gurung, 60, from Pokhara sub-metropolitan-6, received death threats from YCL activists on 5 February. Maoists had ordered Gurung to pay Rs 100,000 to Bhumi Nisha Miya, from Putali Bazaar in Syangja, following a complaint filed by



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Type of Events	By ANNFSU				By ANNISU-R			By YCL			
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing											
Injured	1	1	1	2	1	3	3				
Beatings								8	13	3	16
Threats	1	1		1				1	1		1
Abduction								4	7		7
Total	2	2	1	3	1	3	3	13	21	3	24

Miya at the Maoists people's court. Gurung was threatened with dire consequences if he failed to deposit the amount.

Om Hamal, a Pokhara-based reporter of Nepal Television was beaten and harassed by YCL activists at Pame in Sarangkot VDC-9 on 7 April. He was attacked by a group, led by Maoist district member Dil Bikram Shahi, while covering the mass assembly of the Nepali Congress for the election. The group attacked Hamal for taking pictures of Maoists activists wearing combat dress with sticks during their door to door campaign. Shahi publicly apologized for the actions of the group at a discussion program at the FNJ on 20 April.

Rudra Timilsina and Gopal Khadka, election observers under the NEOF were thrashed by YCL activists on 9 April while they were heading towards Janajagriti Higher Secondary School in Sanangkot VDC for election observation. They were accused by the YCL of being partisan agents.

Bishnu Maya Bhujel, 19, Durga Devi Tamang, 22, and Chandrakant Baral, 24, from Chhinedada, Pokhara Sub-metropolitan-18 were beaten by YCL cadres on the night of 26 October. Similarly, Bhuwan Rana, 22, Govinda Baral, 25, and Ganesh Bhujel, 21, were

abducted by a group of approximately 150 YCL cadres. The victims were accused of beating YCL activist Krishna Rayamajhi. The abductees were freed by the Nepal Police from Rambazaar in Pokhara Sub-metropolis-10.

By UML

Krishna Udasi, the Principal of the Rastriya Higher Secondary School in Pokhara Sub-metropolitan-1 was threatened by a UML aligned student organization on 1 October. He was asked to resign from the post and was warned of dire consequences if he failed to do so.

Clash

Shekhar Gautam and Ram Poudel of the ANNFSU, Mukti Adhikari of the ANNISU-R, Yam Prasad Poudel of the Nepal Students Association and head constable Dev Bahadur Pandey were injured in a clash in Sabha Griha Chok, Pokhara Sub-metropolitan-9 on 24 July. The four student unions announced the closure of public transport in protest, calling for the government to implement the provision of a student public transport discount. A reporter of the Aawaj Daily, Dol Raj Pokharel, who had gone to the site to report on the incident was beaten up by transport workers. Pokharel underwent

treatment at Model Hospital on New Road.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

YCL activists interfered in the mass assembly of the Rastriya Prajatantra Party for the election in Chipledhunga, Pokhara Sub-metropolitan-9 on 24 March. An RPP cadre Buddhi Bahadur Thapa, 53, was injured in the accident. The YCL activists started chanting slogans as the RPP president Kamal Thapa, addressed the crowd.

A UML activist vandalized the Election Contact Office of Rastriya Jana Morcha Party in Kaskikot VDC-2 on 2 April. The party stated that a group of 10 to 12 UML cadres tore up their party flag and started attacking their cadres.

RIGHT TO PROMPT AND FREE TRIAL

There were 326 criminal cases forwarded from last year and 168 registered this year in the Pokhara Appellate Court. Out of those cases 114 were decided. Similarly, out of 136 civil cases were brought forward from last year and 47 new cases, 17 were decided. In the district court, 350 criminal cases were brought forward from last year and there were 256 new criminal cases this year. 251 were decided this year. Out of 808 old and 382 new civil cases, 405 were decided this year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Jyoti Poudel, 22, from Lekhnath municipality-2 tortured Devi Thapa, 22, from Kusma, Parbat and accused her of

Table : 3

Based on statistics 'By Non-State' mentioned in Table : 1

Type of Events	By TDA				By Unidentified Group		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing					1	1	1
Injured	1	5	2	7			
Beatings							
Threats							
Abduction							
Total	1	5	2	7	1	1	1

being a witch on 23 May night. Claiming Thapa had spiritual powers, Poudel used a hot spatula on Thapa's body to 'chase away the witch'. Poudel was arrested the next day and released on the condition to cover Thapa's medical expenses who was treated at the Western Regional Hospital.

CHILD RIGHTS

Sita BK from Gagangauda, Lekhnath Municipality-12, lured a 13-year-old dalit girl from her home and took her to Pokhara. She forced the girl into prostitution, taking money from four men. The victim's family filed a case at the District Police Office on 2 May. The police arrested BK and the four men. While the men were released on remand, BK has been jailed for trafficking the child.

A 14-year-old girl from Saimaryang VDC-3 was raped by Sobhakar Nepali, 65, from the same place in a nearby jungle on 17 October. The victim's family filed a complaint at the District Police Office on 26 October accusing Nepali of raping the child while she had gone to the forest to collect firewood. The accused is absconding.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Yadav Prasad Ghimire, 42, from Waling Municipality raped a 22-year-old woman from Swarek VDC in Syangja, in



a hotel in Pokhara Sub-metropolis-17 on 1 January. The duo stayed at the hotel where Ghimire raped her and threatened to kill her. The perpetrator was taken into police custody after the victim filed a case against him.

Domestic Violence

Phanindra Adhikari, 29, from Eklekuna, Lekhnath municipality-11 was physically and mentally tortured by her husband Ratna Mani Adhikari, 33, for not bearing son and for not bringing big dowry on 9 June. The victim was treated at the Regional Hospital Pokhara. The perpetrator remains at large.



3.6 Manang



Population : 15,062

Literacy(%) : 50

Women Literacy(%) : 35

Area(Sq. Km.) : 2,246

Number of VDC(s)/Municipality(ies) : 13/0

Number of School(s) : 31/1

Campus(es)/Higher Secondary School(s) : 0/2

Hospital(s)/Health Post(s) : 1/13

Human Development Index : 0.502

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The prison is in a rented facility. There were no inmates the whole year.

INTIMIDATION/BEATING

By YCL

As many as four persons were threatened/beaten by YCL this year. Dhiring Gyalpo Punel, 37, from Thoche VDC-4 was thrashed by a group of YCL activists led by Gaj Bahadur Gurung on 8 April for campaigning for the Nepali Congress. The victim was airlifted to Kathmandu for treatment.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

UML candidate for CA elections Mangal Bahadur Gurung, 53, from Dharapani VDC-5 was pressured by Maoists to withdraw his candidacy on 10 March. Later, a leftist alliance was devised agreeing to support the Maoist candidate Dev Prasad Gurung.

RIGHT TO PROMPT AND FAIR TRIAL

Two criminal cases were brought forward from last year in the District Court of which, one case was decided this year and one case is pending.

RIGHT AGAINST ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Keshab Prasad Giri, 45, attempted to rape a 31 year old woman from Manang VDC-7 on the premises of the Tanki Manang health post. The victim managed to escape when Giri tried to molest her. The perpetrator fled to the district headquarters after the locals protested against the incident.

Table : 1

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By Non-State						
	By Others				By Maoists		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Injured	1	1		1			
Beatings	2	2		2			
Threats	1	3		3	1	1	1
Women Rights	1		1	1			
Total	5	6	1	7	1	1	1

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Type of Events	By YCL		
	No. of Events	Male	Total
Injured	1	1	1
Beatings	1	1	1
Threats	1	3	3
Total	3	5	5

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Locals of Talgau in Dharapani VDC-1 imposed a blockade against the Manang district from 5 to 18 December. The step was taken in relation to the Besisahar-Chame road which is under-construction. The blockade was withdrawn after the Law and Justice Minister, Dev Gurung, assured them that a bridge would be constructed over Marsyandi, a paved road made in Talgaun and wire mesh put on the Marshyandi River banks on 19 December.



3.7 Nawalparasi



Population : 688,483

Literacy(%) : 63

Women Literacy(%) : 30

Area(Sq. Km.) : 2,162

Number of VDC(s)/Municipality(ies) : 73/1

Number of School(s) : 546/93

Campus(es)/Higher Secondary School(s) : 7/55

Hospital(s)/Health Post(s) : 3/82

Human Development Index : 0.482

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

KILLINGS/FIRINGS

By State

MJF cadre Jagdish Paasi, 20, of Lalitpur in Ramgram Municipality -9



Table : 1

Types of Event	By Non-State									By State				
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	16	13	3		16					1	1			1
Injured	6	19			19					2	20			20
Arrest & Torture										4	14		18	32
Beatings	7	10	2	5	17	2	4		4	3	20	3		23
Threats	6	6	1		7	2	4		4	1	5			5
Right to Assembly						1		1	1	1	2			2
Racial Discrimination	4	8	1		9					1		2		2
Women Rights	12		17		17									
Child Rights	13	1	15		16					1		1		1
Economic, Social and Cultural Rights	1		1		1	1		1	1					
Abduction	5	9			9									
Total	70	66	40	5	111	6	8	2	10	14	62	6	18	86

was killed in police fire during a protest program organised by SLMM on 26 February. The policemen of Rampurawa police station had fired at the protestors. The dead body of the victim was handed over to his relatives.

By MMT

As many as four persons were killed by MMT this year. Manoharan Dhobi, 41, of India was killed at Guthi Prasauni VDC by the cadres of MMT charging him of being an agent on 19 April.

Bhim Bahadur GC, 28, of Chadani VDC-5, Kanchanpur, working in Chirwan Cement Pvt. Ltd was killed in the office premises by the cadre of MMT on 5 June for not providing donations. Among the injured were Pushpa Bahadur Khadka of Morang and Krishna Pathak of Chitwan. They were treated in Kathmandu.

By Unidentified Group

As many as six persons were killed by unidentified group this year. Bachha Singh, 60, of Ramgram Municipality-3, RPP candidate for constituency-4 was shot

dead by an unidentified group on 18 April in the morning.

INJURED IN SHOOTING/EXPLOSION By State

As many as 20 persons were injured in shooting/explosion by State this year. Rama Shankar Kahar, 25, of Kushma VDC-4, Suraj Thakur, 16, of Ramgram Municipality, Purnamasi Harijan, 55, Tuntun Das, 35, of India, Ramaadhar Das, 40, Amar Padel, 61, of Palhi VDC-5, Manmohan Sunar, 22, of Manari VDC-8, Anil Niwan, 18, of Ramparuwa VDC-7 and Dinnath Burma, 22, of Gremi VDC-3 were injured by police fire and baton-charge during a protest movement organised by SLMM on 25 February. The injured were treated at Parasi hospital. Armed DSP Jeevan KC and DSP Yagyabinod Pokhrel were also injured by the bottles and bricks thrown by the protestors.

By Unidentified group

Chandramani Acharya, 24, of Jahada VDC was shot and injured in his right hand by an unidentified group on 10 January.

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By MMT			By MJF			By NC			
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total
Killing	4	4	4							
Injured	1	4	4							
Beatings				1	3	3	2	4	5	9
Threats				1	2	2				
Women Rights										
Abduction										
Total	5	8	8	2	5	5	2	4	5	9

JAIL AND DETAINEES

The "D" grade district jail which has the capacity for 35 inmates had eight female and 76 male inmates by the end of the year. The jail has one room for women and three rooms for men. There is one six-month-old boy as a dependent in the jail.

DISAPPEARANCE/ABDUCTION

By YCL

As many as seven persons were abducted by YCL this year. Former VDC chairperson Humnath Pandey, 38, of Ruchang VDC-1, UML cadres Dhan Bahadur BK and Tika Ram Thapa, RPP cadre Khum Bahadur Falal, NC activist Reshamlal Thapa and Tarun Dal cadre Gyan Bahadur Gaha were abducted by YCL cadres on 26 March on the charge of not supporting the Maoists during the CA election. The victims were released on the same day from Ruchang VDC on the condition of providing support to the Maoists.

By unidentified group

Headmaster of Sangam Primary School Bishnu Prasad Basyal, 35, of Dumkibas VDC-3 was abducted and beaten at the nearby jungle by an unidentified

armed group on 22 December. He was found abandoned in an injured condition.

THREATS/BEATINGS

By State

As many as 28 persons were threatened/beaten by state this year. The locals of Triveni in Susta VDC-4 were beaten by police on 29 September while trying to close East-west Highway protesting against the land encroachment of Susta. Pratima Luniya, 35, Chandrawati Bhar, 25, Samasunesa Miya, Shanti Turaha, Sobha Tharu, Anita Bhar, Pana Devi Mushar, Kauli Mushar, Sumitra Bhar, Mira Badayi, Akshya Chaudhary were also injured during the incident. The locals were treated at a local medical post.

By Maoists

As many as eight persons were threatened/beaten by Maoists this year. UML cadre Shree Ram Chaudhary, 46, of Beni, Manipur VDC-9 was threatened with death by Maoist cadres after he was charged of campaigning for UML in the election on 1 April. He was warned again on 8 April.

By YCL

As many as five persons were

Table : 3
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By JTMM-G			By YCL				By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing								6	4	2	6
Injured				3	8		8	1	1		1
Beatings				2	1	2	3	1	1		1
Threats	3	3	3	2	1	1	2				
Women Rights								1		1	1
Abduction				2	7		7	1	1		1
Total	3	3	3	9	17	3	20	10	7	3	10

threatened/beaten by YCL this year. Kalpana Bhattarai, 19, of Ramnagar VDC-1, working in Naya Bhawana Daily, was threatened with action on 6 August by YCL cadres. They accused her of writing news against their party.

By NC

As many as nine persons were threatened/beaten by NC this year. Cadres of MJF Mehedi Jwalaha, Kudbudin Jwalaha of Kusma VDC-3 were beaten at Bilashpur during the election campaign by NC cadres on 6 April.

By MJF

As many as five persons were threatened/beaten by MJF this year. Bal Bahadur KC, Kashi Ram Patahk and Chok Bahadur Paija Magar of Nepal Teachers' Association were thrashed by Anil Gaud who is the district president of MJF aligned Teachers' Association following a dispute between two sides at the office of DEO Laxmi Ram Poudel on 5 May.

By Tharu Kalyankari Sabha

UML activist Ram Krishna Dhungana, 40, of Kumarwanti VDC-6 was beaten by activists of Tharu Kalyankari Sabha following a dispute over land within the hospital premises in Argyauli VDC-9

on 4 July. The victim was treated at local Madhyabindu Hospital.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

YCL activists Karna Bahadur, Roshan, Laxman, Hari and NC activists Dil Ram Sanyasi Bam, Raju Ram Sapkota and Keshab Sapkota were injured in a clash between the two parties on 25 March. Both the parties were campaigning for elections. The victims were treated at Bharatpur Medical College.

Omkala Gautam, 32, NC candidate for constituency-3 and her brother Mahananda Chalise, 24, were seriously injured in an YCL attack at Kawasoti on 23 April. Chalise was treated at Bharatpur Medical College.

Devki Regmi, 35, the TMDP candidate for CA election from constituency-1 was obstructed by Maoistcadres from election campaigning at Mukundapur VDC on 1 April. They also burnt the party flag of TMDP.

RIGHT TO PROMPT AND FAIR TRIAL

In the district court, there were 233 new criminal cases and 421 civil cases

were filed. A total of 223 criminal cases, both new and brought forward from last year were decided. Similarly, 466 civil cases were decided. There are 29 cases that are now more than two years old.

Child Rights

A 4-year-old boy Puneshwor Chaudhary of Ramgram Municipality-11, studying in Little Angles School, was abducted by Raju Singh on 23 January. Singh was staying at the child's house as a tenant. He demanded Rs 400,000 for the boy's release. The child was freed after efforts by his relatives and different organisations.

Nandalal Harijan of Palhi VDC-9 lodged a complaint at the police station against Gopal Mishra, 45, of the same place charging him of selling his 12 year-old-son Bhola Chamar at India on 8 January. Police has arrested Mishra in its investigation of the case.

A 9-year-old girl of Sunwal VDC-7 was raped at her own house by Padam Kumal, 19, on 30 June morning. Police has arrested Kumal for the investigation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A woman, 19, of Salghari, Amarapuri VDC-3 was raped by a group of three men including Krishna Pandeya, 32, at Arunkhola of Naya Belani VDC-8 on 31 July. Among the perpetrators, Pandeya was arrested and subsequently freed on bail after depositing Rs 100,000. The other two perpetrators are still at large.

Trafficking

Father of Sabitri Harijan, 19, of Devgaun VDC-7 has filed a complaint against Jokhani Kewat of the same place accusing him of trafficking his daughter to India on the pretext of foreign employment

on 6 February. The police have initiated a case against him for human trafficking.

Sumitra BK, 13, of Motipur VDC-1, Sunita BK, 10, Amrita tamang, 8, and Bindu Pariya, 10, of Susta VDC-8 were rescued by police on 10 November while being taken away for trafficking to India by Nagendra Rana, 30, of Susta VDC-8 and Yogendra Kewat, 30, of Guthprasauni VDC. The victims were handed over to their relatives. Rana is in police custody whereas Kewat was released on remand.

Domestic Violence

A case was filed by the relatives of Mainauti Devi Saru, 23, of Tamsariya VDC-5 claiming she was killed by her husband Sher Bahadur Saru, mother-in-law Prithbima Saru and sister-in-law Chanisara Somai at Giribari Khola of Deurali VDC-9 following a domestic dispute on 22 January. Prithbima Saru and Chanisara Somai were freed on remand on 21 February whereas the victim's husband and father-in-law are in police custody for further investigation. Prithbima and Chanisara were beaten by a group of about 500 local women enraged that the police had released the killers. Both received treatment at Kaligandaki Hospital.

Manju Yadav, 32, of Sukrauli VDC-5 was beaten by her husband Anirudra Yadav on 31 May alleging her of not giving birth to a son. The victim had blue bruises all over her body and was treated at the district hospital, in Parasi.

ALL KINDS OF RACIAL DISCRIMINATION

Manoj Harijan, 32, of Kushma VDC-5, an NGO worker, was harassed and beaten by Sankaracharya Giri, 40, of the same place for not respecting him on 17 January. The victim filed a complaint at the District Administration Office. The issue was settled in the presence of human rights defenders.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

By State

Narayan Pasi, 55, of Ramgram Municipality-5 said that his house and all the belongings in the house were destroyed in a fire that started when police fired a tear gas shell at his house in an attempt to control the mob during the agitation called by SLMM on 24 February.

By Maoists

Twenty-three *bighas* land belonging to former minister Yadav Prasad Pant and his sons Girish, Bhuwaneshwor, Radhesh, daughter in law Ajita, grandson Aashish in Sunwal VDC-1 and ward number 5, 6 and 7 of Banjariya VDC that was captured by Maoists in 2004 is yet to be returned. Similarly, the houses of Panta's family are being used as YCL office. They are also collecting Rs 27,000 by renting some parts of one of the house.

By SLMM

The house of Former Home Minister and NC candidate Devendra Raj Kandel at Ramparuwa VDC-6 was vandalised and set ablaze by the cadres of SLMM on 25 February. The cadres also destroyed mustard crop in his 2 *bighas* of land, a water-pumping motor, two vehicles and furniture.

By MMM

Tikauri Pandey, 24, Ramananda Loniya, 28, Dinesh Agrahari, 33, and Kailashi Chauhan, 27, of Ramgram Municipality-4 were injured in an indiscriminate baton-charge by police. The police started charging at them after the cadres of MMM vandalised District Election Office with number plate Ba 1 Jha 7626 on 18 February. The victims were treated at the district hospital, Parasi.

By ATMM

Senior assistant health worker Chiranjibi Khanal, 48, of Ramgram Municipality-3 was displaced to Kathmandu for security reasons following the demand for donation by the cadres of ATMM on 19 December. Khanal was threatened by the ATMM cadres with physical action over the telephone if he failed to pay them Rs 500,000 in donation fees.

Follow up

The land belonging to Lok Bahadur Pun, Dal Bahadur Pun and Sarawoti Bhattarai at Kawasoti VDC-5 was captured by the then Royal Army in 2003 so that they could expand their army camp. It had not been returned by the end of this year.

The land and building belonging to a cooperative of Ramgram Municipality, Parasi, which was captured by the then Royal Army in 2003 was returned in 2008.



3.8 Rupandehi



Population : 900,895

Literacy(%) : 66

Women Literacy(%) : 46

Area(Sq. Km.) : 1,401

Number of VDC(s)/Municipality(ies) : 69/2

Number of School(s) : 498/62

Campus(es)/Higher Secondary School(s) : 16/50

Hospital(s)/Health Post(s) : 6/69

Human Development Index : 0.500

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

As many as two persons were killed by state this year. Chandrika Yadav, 65, of Dhakdhai VDC succumbed to injuries sustained during a police beating on 3 March. He was injured at Belhaiya of Sidhhartha Municipality- 1 on 17 February during the Madhes Movement called by the SLMM. He died while undergoing treatment at a hospital in Gorakhpur, India.

By JTMM-G

As many as three persons were killed by JTMM-G this year. Gorkarna Raj Kandel, 42, of Suryapura VDC-3 and member of NC general convention was

shot dead near his house by the cadres of JTMM-G on 1 March. He died while undergoing treatment at Lumbini Zonal Hospital. The JTMM-G cadres had shot him in the back after forcing him out of the house. JTMM-G District Coordinator Amitabh accepted the group's involvement in the killing.

By JTMM-J

Bhuwan Thapa Magar, 36, of Sunbal VDC of Nawalparasi was shot dead by the cadres of JTMM-J at Bhujauli of Sidhharthanagar Municipality on 17 February. Sardar Singh, JTMM-J district in charge accepted his group's involvement in the killing.

By Akhil Nepal Terai Mukti Morcha

Surendra Upadhyaya, 55, of Chidi in Bodwar VDC-3 was killed when the cadres of Akhil Nepal Terai Mukti Morcha detonated a bomb at the house of Maoist CA member Bindo Upadhyaya on 29 April. The deceased is Bindo's uncle. A group of about seven persons had forced two members of the family out of the house before detonating the bomb. The explosion caused extensive damage to the house. The group's district in charge Rakesh claimed the group's responsibility for the incident.

By MMT

As many as three persons were killed by MMT this year. Kodai Gharti of Semarhawa VDC-7 was shot dead by cadres of MMT on 18 October. Anjali, in charge of MMT claimed responsibility for the killing by telephone.

By Unidentified Group

As many as seven persons were killed by Unidentified group. SJTMM carder Chinak Bhar, 35, of Chipagad VDC-6, Paklihawa was shot dead by an



Table : 1

Types of Event	By Non-State									By State			
	By Others				By Maoists								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total
Killing	14	14	2	16						2	2		2
Injured	6	6	1	7						1		12	12
Beatings	3	5		5	3	22	1		23				
Threats	1	1		1	2		1	1	2	1	2		2
Right to Assembly					1	1	2	20	23				
Women Rights	3		3	3									
Child Rights	7		7	7									
Economic, Social and Cultural Rights	1		1	1									
Abduction	3	3		3	2	3			3				
Total	38	29	14	43	8	26	4	21	51	4	4	12	16

unidentified group on 21 November. The victim suffered head and chest injuries. Locals found the dead body at Bhairahawa-Parasi Road section on 22 November in the morning. The dead body of Chinak was handed over to his family after post-mortem.

Mekh Bahadur Chantel, 35, of Tikuligad VDC-3 was killed by an unidentified group on 1 December. The group also attacked Chantel's wife Uma, 32, and son Durgan, 12, with a sharp weapon. Chantel died while undergoing treatment at Bhairahawa Medical College on 2 December.

INJURED IN SHOOTING/EXPLOSION By JTMM-G

Krishna Poudel, resident of Makrahar VDC and manager of Jagadamba Brick Factory in Chhotkiram Nagar VDC was shot and injured by the JTMM-G cadres on 28 February. He sustained head and hand injuries and was treated at Lumbini Zonal Hospital in Butwal. JTMM-G district in charge Amithabh said he was killed for operating the brick factory in open defiance of the *bandh* called by his group.

By Unidentified Group

As many as five persons were

injured in Shooting/Explosion by Unidentified group this year. Gangaram Chaudhary of Bodhbar VDC-8 was shot and injured while he was sleeping in his house by an unidentified group on 23 November night. The victim was treated at Bharahawa Medical College.

JAIL AND DETAINEES

The 'C' grade district prison which has the capacity for 60 inmates had 200 inmates at the end of the year. Among them, 103 had their term awarded while the jail terms of one woman and 96 men were yet to be decided. The inmates face problems in the over-crowded jail. They have access to television, radio and newspaper. Jailer Chiranjivi Gautam said that although some attempts had been initiated to improve conditions in the jail after a monitoring exercise by the Jail Reform Committee these had not been followed through.

DISAPPEARANCE/ABDUCTION By Maoists

As many as three persons were abducted by Maoists this year. Ramesh Aryal and Laxman Subedi, NC cadres of Tikuligadh VDC were abducted from nearby the NC constituency-3 office

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By ANNISU-R			By MMT			By JTMM-J		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing				2	3	3	1	1	1
Injured									
Beatings	2	4	4						
Threats	1	1	1						
Abduction									
Total	3	5	5	2	3	3	1	1	1

on 5 April. They were freed after four hours of captivity by a team led by NC constituency-3 candidate Bal Krishna Khand from Tikuligadh.

By Unidentified Group

As many as three persons were abducted by unidentified group this year. Abdul Hakim Miya alias Janak, a cadre of the Maoist aligned Muslim Muti Morcha, of Tikuligad VDC-4 was abducted by an unidentified group on 26 August. He was taken by a group of 3 persons on the pretext of making inquiries with him. The victim was released from Nepal-India Border on 18 Bhadra.

TMLP cadre Uma Shankar Tripathi of Madhbani VDC-8 was abducted by an unidentified group on 12 November. The victim came in to contact with his family after one week of his abduction. The cause of his abduction has not yet been identified.

THREATS/BEATINGS

By State

Police threatened to take action against FNJ district member Bindu Kumar Chauhan and journalist Kanhai Yadav on 13 May. Sub-inspector Devraj Aryal and one other threatened them in relation to a news article on the involvement of police in cross-border smuggling.

By Maoists

As many as 25 persons were threatened/beaten by Maoists this year. Headmaster of Sita Primary School, Kamala Khanal of Butwal Municipality-4 was tortured and threatened by Maoist activists including Min Bahadur Kunar, Uday Bahadur Pun on 24 December. She was asked to resign from the post. However her resignation had not been approved by the School Management Committee by the end of the year. The victim filed a complaint at the INSEC Regional Office against the perpetrator for making her forcefully resign from the post.

By YCL

Sujan Pun Magar, 23, of Butwal Municipality-8 Traffick Chok was injured when some YCL cadres including Narayan Gautam, Yub Raj Chettri, Lishan Thapa, Bishnu Bhandari and Gopal Shrestha attacked him on 30 December. The police arrested the perpetrators but they were released on the same day after an intervention by Top Bahadur Rayamajhi, a Maoist leader and a CA member.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

UML cadres Keshav Acharya and



Table : 3
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By JTMM-G			By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	3	3	3	7	7		7
Injured	1	1	1	4	4	1	5
Beatings							
Threats							
Abduction				3	3		3
Total	4	4	4	14	14	1	15

Secondary School were threatened and thrashed by Prem Sagar Chaudhary, the Chairperson of the School Management Committee on 28 August. Chaudhary assaulted them saying he was a Maoist leader and an influential person in the school and that students had insulted him by not greeting him. Students had closed the school for two weeks following the incident.

Til Bahadur Rana were injured when the YCL cadres assaulted them with spears, iron rods and batons on 8 April. The YCL cadres accused the UML election team of entering into their area.

RIGHT TO PROMPT AND FAIR TRIAL

There were 1,146 cases brought forward from last year and new ones registered in the Appellate Court Butwal. Among them, 914 cases were decided. Out of 658 civil cases, 503 were decided while among 402 criminal cases, 331 cases were decided. Out of 86 writs filed there, 79 were decided. In District Court, Rupandehi, out of 1,100 cases, 791 cases were decided.

CHILD RIGHTS

A 7-year-old girl of Devnagar, Butwal Municipality-13 was raped by Bhesh Raj Chaudhary, 32, of Gobardiha VDC, Dang, when she was alone at her home on 23 August. The girl was treated at Lumbini Zonal Hospital. Chaudhary is in police custody for further investigation after the victim's family filed a complaint at the DPO on 25 August.

Pradip Khanal, Dipak Chhetri, Keshab Gaha, Yubak BK, Amrit Thapa, Krishna Tharu, Prem Basyal, Rashmi Thapa and Babu Rana, students of Motipur

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Namita Sunuwar also known as Laxmi, 26, of Kerwani VDC was beaten by her husband Bharat on 14 January. Namita attempted to commit suicide by setting herself on fire. She received treatment for the injuries at Lumbini Zonal Hospital, Butwal.

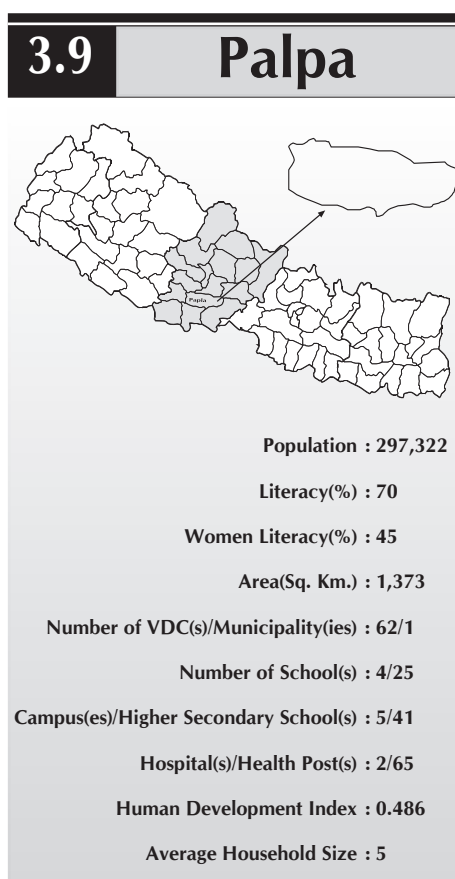
Domestic Violence

Phoolmati Lodh, 40, of Marchawar, Rayapur VDC-6 was physically assaulted in her own house by her neighbour Kisun Lodh on 21 September on the charge of practicing witchcraft and helping his daughter to elope. The victim was treated at a local medical store. The perpetrator was taken into police custody after the victim filed a complaint. Kisun was released after were days.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

District Land Revenue Office in Bhairahawa was padlocked by the landless people on 28 November demanding the formation of high level land commission. They had demanded that the pro-landlord Land Act 2021 be scrapped, and that a new people-oriented land act should be

enacted with their participation ensuring that their rights were fulfilled. They also put forth their demand for the provision of allocating 20% of the budget for land reform.



CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade district Jail with the capacity of 175 inmates had 115 male and 11 female convicts and 10 male and 2 female detainees by the end of this year.

THREATS/BEATINGS By State

Ramchandra Nepali, 30, of

Boudapokharathok VDC-1, Palpa, broke his hand in a police beating during the protest program organized against vice president Permananda Jha to object to his taking of the oath in Hindi language on 28 July. The victim had gone to the incident site to report on the programme.

Palpa-based reporter of Butwal Today daily Govinda Luintel, 22, of Heklang VDC-9 was threatened with death by Deviagar VDC secretary Birendra Nepal for writing news against VDC secretaries on 28 July. The news said that the VDC secretaries were enjoying their stay in the headquarters' and was published in the daily on 27 June.

By Unidentified Group

As many as six persons were threatened/beaten by Unidentified group this year. NC activist Khum Bahdaur Kumal, 40, and his wife Radhika Kumal, 35, of Siddheshwor VDC-2 were thrashed and attacked with sharp weapons by an unidentified masked group while they were sleeping in their house on 20 March. The group had entered their house in the pretext of using telephone. The victims were treated at Lumbini Medical College. NC condemned the incident through a press release which also accused Maoists of being responsible for the incident. However, the Maoists have denied any involvement in the attack.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Motilal Bhandari, 29, NSU president of Tribhuvan Multiple Campus, Tansen, was beaten by the ANNISU-R over an issue concerning wall painting on 15 December. He sustained head injuries and had blue marks on his body.



Table : 1

Types of Event	By Non-State							By State		
	By Others				By Maoists					
	No. of Events	Male	Female	Total	No. of Events	Female	Total	No. of Events	Male	Total
Killing	1		1	1						
Injured	2	5		5				1	4	4
Beatings	4	6	3	9						
Threats								1	1	1
Child Rights	2		2	2						
Economic, Social and Cultural Rights					1	1	1			
Total	9	11	6	17	1	1	1	2	5	5

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By ANNISU-R			By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total
Injured	2	5	5				
Beatings	1	1	1	2	3	3	6
Total	3	6	6	2	3	3	6

2 August that her husband Bal Bahadur Thapa, 34, had regularly abused her and his children for the past three years on the charge of not bringing a dowry. Their 16-year-old marriage is not registered yet and her husband has not applied for a citizenship certificate. She said that with no income it was difficult for

her to manage the school fees for three children as he does provide any financial support to her. They made a compromise at District Police Office in the presence of the INSEC district representative on 12 August.

RIGHT TO PROMPT AND FAIR TRIAL

Thirty-three criminal cases were brought forward from the last year and 56 were registered this year in the District Court out of which 43 cases were decided. Similarly, out of 49 cases from last year and 49 new ones, 53 cases were decided.

CHILD RIGHTS

A 12-year-old girl of Jalpa VDC-7 was raped in her house by her father Ram Bahadur BK on 14 February. The victim was taken for treatment at the local health post by her brother and relatives. The perpetrator is in Palpa prison for further investigation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Manju Thapa, 33, of Kajipauwa, Tansen Municipality-1 complained on

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The house and land belonging to Manamaya Khamcha of Kusumkhola VDC-3 was captured by Maoists on 23 June. Maoist Area in-charge Top Bahadur Rayamajhi had declared the capture of the property for an indefinite period through a press release. The victim's family filed a case at the District Administration Office and her house was unlocked in presence of district administration officials, police personnel and representatives of political parties on 9 July.

3.10 Kapilbastu



Population : 591,840

Literacy(%) : 45

Women Literacy(%) : 30

Area(Sq. Km.) : 1,738

Number of VDC(s)/Municipality(ies) : 77/1

Number of School(s) : 355/31

Campus(es)/Higher Secondary School(s) : 2/21

Hospital(s)/Health Post(s) : 3/78

Human Development Index : 0.437

Average Household Size : 8

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLINGS/FIRINGS

By JTMM-J

As many as six persons were killed by JTMM-J this year. Bishwonath Yadav, 35, from Harkatta in Shivpur VDC-5, was shot dead by a group of masked men on 29 July. The attackers, around five persons, fired five rounds of bullets at him after calling him to come outside the house. The JTMM-J owned up to the incident.

Akali Kohar, 45, from Titirkhi VDC-9, Kapilbastu, was shot by cadres of the JTMM-J on 15 September. The victim died on his way to the Bhairahawa Medical College. The bullet was intended for Maoist cadre, Nasibulla Musalman, who was hiding in Kohar's house to escape from the JTMM-J cadres.

By SJTMM

As many as three persons were killed by SJTMM this year. A Maoist district member, Prem Pariya, 36, (alias Bhuwan) from Motipur VDC-1, was shot dead in Titirkhi VDC-3 by cadres of the SJTMM on 17 February. SJTMM district person in charge, Aajad, owned up to the incident over the telephone. The victim's family received Rs 700,000 as compensation.

By Unidentified Group

As many as 21 persons were killed by unidentified group this year. Firiyaad Ahamad Khan, 40, from Chanai VDC-8 was shot dead after three rounds of bullets hit his chest on 6 September. The victim was having tea at a tea shop in Bargadawa when the group attacked him. He died while he was being taken for treatment in Butwal. Rajaram Bhujel of the same place also sustained minor injuries by the bullet shrapnel. Nobody has claimed responsibility for the incident.

INJURED IN SHOOTING/EXPLOSION

As many as 11 persons were injured in Shooting/Explosion by unidentified group this year. MJF cadre, Binod Mishra, 25, from Gaguauda in Kushawa VDC-8 was injured by a group of unidentified masked men while he was on his way to party activities on 22 January. The victim was treated at the Regional Hospital in Butwal.

JAIL AND DETAINEES

The "E" grade Jail with the capacity of 100 inmates has 68 convicts and 64 detainees at the end of this year. There are a total of 132 convicts and detainees in the Kapilbastu Jail. Most of the inmates in the jail are arrested on charges of killing, drug abuse, robbery, rape, and human trafficking. A building is being constructed for political detainees with a budget of

Table : 1

Types of Event	By Non-State								By State		
	By Others					By Maoists					
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	27	25	9		34						
Injured	7	9	1	4	14				1	9	9
Arrest & Torture									3	5	5
Beatings	8	18	1	33	52	1	1	1	1	1	1
Threats	7	7			7	2	4	4			
Right to Assembly	1	1		99	100				1	3	3
Racial Discrimination	2	1	1		2						
Women Rights	4		4		4						
Child Rights	6		7		7						
Economic, Social and Cultural Rights	2	2			2						
Inhuman Behaviour	1	1			1						
Abduction	6	7			7	3	7	7			
Total	71	71	23	136	230	6	12	12	6	18	18

Rs 30 m worth. There is drinking water, a toilet, newspapers, a library and sports goods in the jail.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as seven persons were abducted by Maoists this year. MJF cadre Taulan Pasi, 40, from Hathihawa VDC-8 and Indrajeet Yadav, 35, were abducted by Maoists allegedly for firing bullets at a Maoist activist, Rajendra Tiwari, on 9 April. They were released in the presence of the INSEC district representative and the Madhesi human rights alliance.

By YCL

As many as persons were abducted by YCL in 2008. Hukum Bahadur Chaudhary, 35, from Dhankauli VDC-1 was abducted by the YCL on the evening of 22 May. He was taken into YCL captivity after a news article claimed that he was responsible for a theft. He was handed over to the police at around 11 pm.

By JTMM-J

The APD police head constable, Shyam Kumar Kapar, posted at Revenue Patrolling unit in Krishnanagar VDC-2, was abducted by cadres of the JTMM-J on 22 February. The JTMM-J's district in charge, Arjun Singh, told journalists over telephone that Kapar was abducted for acting against the Madhesi people despite being a Madhesi. Yadav is still in the group's captivity at the end of the year.

By SJTMM

As many as two persons were abducted by SJTMM this year. Niranjan Poudel, 35, the executive secretary of the district development committee of Kapilvastu Municipality-2 was abducted while in Titirka VDC for work. He was abducted by cadres of the SJTMM on 9 January. The victim was released from Indo-Nepal border area in the presence of human rights defenders on 17 January.

By Unidentified Group

As many as three persons were

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM				By NC			By JTMM-J		
	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3	3		3				5	6	6
Injured					1	2	2			
Beatings					2	5	5			
Threats	1	1		1				2	2	2
Right to Assembly	1	1	99	100						
Racial Discrimination										
Child Rights										
Economic, Social										
Rights and Cultural	1	1		1						
Abduction	2	2		2				1	1	1
Total	8	8	99	107	3	7	7	8	9	9

abducted by Unidentified group this year. Khumraj Ghimire, 55, from Krishnanagar VDC-2 was abducted by an unidentified group from his house on 4 May for refusing to pay a donation to the group. He managed to escape when his abductor's motorcycle he was riding got into an accident near Indian border.

THREATS/BEATINGS

By Maoists

As many as five persons were threatened/beaten by Maoists this year. Former VDC chairman, Narayan Khanal, from Hariharpur VDC-1 and locals Ramchandra Yadav and Man Bahadur Khanal, received death threats from Maoist cadres for obstructing a settlement in a community forest on 14 August. The locals, who had conserved the forest, protested the idea of creating a settlement. The victims staged a sit-in against the threats at the Maoist office on 15 August.

By YCL

Tarun Dal President Rajendra Poudel, 40, from Gajehada VDC-7 was

beaten during his election campaign by YCL cadres on 5 April evening. On the same afternoon, the YCL also thrashed a journalist, Durga Aryal, 35, from Banganga VDC-6, and alleged that she was campaigning for the NC. The victim was treated at Butwal Regional Hospital.

By NC

As many as five persons were threatened/beaten by NC this year. Sanatan Kurmi, 45 and Bindhyachal Kurmi, 39, from Tilaurakot VDC-6 were thrashed by NC activist Brikshya Barahi, 36, on 25 January. Barahi identified himself as a JTMM-G cadre during the attack. Locals handed Barahi over to the police along with his weapons.

By Tarun Dal

Maoist activist Santosh Khatri, 35, from Motipur VDC-6, was seriously injured when Tarun Dal activists, Nabin Sen and Rajesh Sen, attacked him with an iron rod while he was in a queue to buy diesel following a political revenge on 4 June.

Table : 3

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By YCL			By TMLP				By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing								16	15	6		21
Injured								5	6	1	4	11
Beatings	1	2	2	1	2	33	35	1	1			1
Threats								4	4			4
Right to Assembly												
Racial Discrimination												
Child Rights								1		2		2
Economic, Social												
Rights and Cultural	1	1	1									
Abduction	1	1	1					3	3			3
Total	3	4	4	1	2	33	35	30	29	9	4	42

By JTMM-J

As many as two persons were threatened/beaten by JTMM-J this year. Advisor of the FNJ district chapter Kapilbastu, and the editor of Sandesh weekly, Krishna Prasad Dhakal, received a death threat over telephone from JTMM-J commander, Sikandar, on 11 October. He was threatened because he published news about the group's donation drive.

By TMLP

As many as 35 persons were threatened/beaten by TMLP this year. Abdulaha Pathan, 65, along with locals of Ramnagar VDC were thrashed and threatened by cadres of the TMLP on 30 April for not voting for their party during the CA elections. The entire village was displaced to Krishnanagar. The victims submitted an application to the Area Police Office and to CA member, Abhisekh Pratap Shah, demanding security for their lives.

By Unidentified Group

As many as five persons were threatened/beaten by Unidentified group this year. The Chief of the District Public Health Office in Kapilbastu, Jhalak

Poudel, was threatened and told to make a donation to an unidentified group at his office on 28 September. Scared office staff ran away after an armed group entered the office premises asking for the donation.

ARBITRARY ARREST

Rajendra KC, 25, from Chanai VDC-5, was arbitrarily detained from 6 September to 16 October by the police. Firiyaad Musalman from Chanai VDC-8 was killed by an unidentified group on 6 September. Musalman's family abducted and tortured KC, accusing him of the killing. He was detained when members of Musalman's family filed a complaint at police. KC was released after news of arbitrary detention was published in media including on www.inseconline.org.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Maoist cadres Ramlautan Tiwari, Santaram Pasi, Nandaram Chamar, Rajendra Tiwari, Bikram Tiwari, Abbuharera, Raj Kumar Pandey, Saleem Ansari from Pakadi VDC along with

Bishnu Prasad Pandey from Dumara VDC were injured in a clash with police on 22 March. The clash ensued when Maoist cadres tried to vandalize the NC election campaign office situated in the house of NC activist, Loknath Sharma, following the death of Maoist cadre, Shivpujan Kurmi. Maoist cadres also vandalized the vehicle containing, Dip Kumar Upadhyaya, a candidate from constituency-1.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court, 165 criminal cases were brought forward from last year of which 138 cases were decided this year. Similarly, 193 criminal cases were filed this year of which 68 cases were decided this year. Out of 533 cases brought forward this year in the District Court, 407 cases were decided while out of the 560 civil cases filed this year, 165 were decided.

CHILD RIGHTS

Students of Shree Shiva Primary School in Dalpur, Khuruhuriya VDC-9 were forced to study under a tree for nine months in 2007/2008 after a police camp was moved to the school. The police left the school after the news was published on www.inseconline.org and other newspapers.

Dhiraj Kumar Raidas, 12, from Bardaya, Kapilbastu was refused admission to the Ratnarajya Secondary School and the Buddhapaddham Secondary School on 20 May for being a dalit.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old mentally disabled woman was raped while she was sleeping outside an inn by Radheshyam Kahar, 24, and Balli Pathan, 17, who were inebriated at the time on 1 February. They were arrested as they were fleeing from the scene. The duo are in police custody for

investigation following the order of district court.

Trafficking

Rema Khadka from Gurusinghe VDC-3 was arrested by police in Krishnanagar with the support of the Saathi organization on 10 June and charged with attempting to take two women from Ashrukot VDC-3, Argakhachhi to Lebanon for foreign employment. Khadka is in jail for investigation and is held under the human trafficking act as per the order of the district court dated 3 July.

Domestic Violence

Bishnu Bhusal, 30, from Kopawa VDC-9 was beaten by her husband, Gopal Bhusal, over an issue regarding her dowry on 1 July. The victim was treated at the Lumbini Regional Hospital in Butwal.

ALL KINDS OF RACIAL DISCRIMINATION

Local dalit peoples were threatened for offering holy water in a temple at Hariharpur, Gajehada VDC-2 by a local woman, Bhim Kumari Sen, on 2 March. The dalits entered the temple despite threats with the leadership of a local dalit woman on 6 March. The dalits demanded entry into the temple as it was constructed by a community effort and in support of a local community forest users' group.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The family of Arati Pasi, 58, Chinku Pasi, 45, Shiva Pujan Pasi, 40, Ramchedi Pasi, 35, Bikram Pasi, 28, Kousalya Pasi, 26, Ramkali Pasi, 25, from Balrampur VDC-2 were beaten inside their house by family members of their landlord, Ashwini Kumar Tiwari, on 24 May. Tiwari and his men had thrashed them for leaving sugarcane leaves on Tiwari's land. The Pasi family was meant to use the leaves for thatching

the roof. The issue was settled after Tiwari agreed to provide compensation to the victims and apologized to the victims for his actions in front of human right defenders and the police at the Maharajgunj Area Police Office on 4 June.



3.11 Arghakhanchi



Population : 233,275

Literacy(%) : 45

Women Literacy(%) : 60

Area(Sq. Km.) : 1,193

Number of VDC(s)/Municipality(ies) : 42/0

Number of School(s) : 484/15

Campus(es)/Higher Secondary School(s) : 2/19

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.471

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLINGS/FIRINGS

Clash

Maoist cadre, Rajendra Banjade, 28 from Divarna VDC-3 died during his treatment at Norvic Hospital in Kathmandu on 22 February. He was injured in a clash that occurred at a local school over the issue of painting the walls on 21 February.

Twelve Maoists were also injured in the clash. Following the clash, about 40 men aged between 18 and 56 were displaced to district headquarters.

JAIL AND DETAINEES

There is no jail in the district. The inmates are taken to the prisons in Gulmi or Kapilbastu.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as seven persons were abducted by Maoist this year. A teacher of Nepal Rastriya Secondary School, Humlal Poudel, 40, Thakur Panthi, 38, Raghunath Pandey, 45, and Khumananda Panthi, 61, were abducted by Maoists on 21 February for not supporting the Maoist party. The victims were released from Sharada Secondary School in Kerunga VDC on 22 February.

THREATS/BEATINGS

By Maoists

As many as 25 persons were threatened/beaten by Maoists this year. Narendra Prakash Banjade, 48, from Jhandrek in Adguri VDC-9 was thrashed by Maoist cadres on 8 April for not supporting the Maoist party. Banjade was in the village as an assistant for the voters' education campaign. The victim was treated at district hospital in Sandikharka.

Dev Bahadur Pun, 30, from Hansapur VDC-2 was beaten in his own house for being a UML cadre. Maoist activists beat Pun on 8 April. The victim was treated at district hospital in Sandikharka.

Govinda Acharya, 26, from Dharampani, Arga VDC-5 was beaten by Maoist cadres on 9 April for campaigning for the UML. The victim was treated in Kathmandu.

Table : 1

Types of Event	By Non-State							
	By Others				By Maoists			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1	1		1				
Injured	1	10	2	12				
Beatings	3	4	1	5	7	21	3	24
Threats					1	1		1
Right to Assembly					1	1		1
Racial Discrimination					1	1		1
Abduction					4	7		7
Total	5	15	3	18	14	31	3	34

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By Rastriya Janamorchha			By YCL		
	No. of Events	Male	Total	No. of Events	Female	Total
Beatings	2	4	4	1	1	1
Total	2	4	4	1	1	1

election candidate for constituency-1, Chetan Narayan Acharya, 43, was not allowed to vote during CA elections due to Maoist activists on 10 April.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 60 civil and 24 criminal cases were brought forward from last year in the District court of which 30 civil and 11 criminal cases were decided this year. Similarly, 24 civil and 21 criminal 45 cases were filed this year out of which three civil cases and three criminal cases were decided this year.

ALL KINDS OF RACIAL DISCRIMINATION

NC central committee member and candidate for constituency-1, Man Bahadur Bishwokarma, was insulted by Maoist cadres in Balkot VDC-1 on 8 April. The Maoists cadres said that nobody would be voting for a 'kami' or smith.

By YCL

Rama Banjade, 30, a hotel owner from Sandikharka VDC-6 was assaulted by YCL cadres on 14 May when she asked them not to vandalize vehicles.

By Rastriya Janamorchha

Gopal Prasad Banjade, 51, Bishnu Banjade, 40, Kamal Panthi, 29, from Dharapani VDC-1 were beaten by cadres of Rastriya Janamorchha on 9 April for being Maoist cadres.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

UML district secretary and



3.12 Gulmi



Population : 323,275

Literacy(%) : 60

Women Literacy(%) : 55

Area(Sq. Km.) : 1,149

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 545/22

Campus(es)/Higher Secondary School(s) : 2/32

Hospital(s)/Health Post(s) : 1/70

Human Development Index : 0.467

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade district Jail with the capacity of 25 inmates had 23 male and three female convicts and four male detainees by the end of the year. The inmates have good access to radio, newspapers, television, clean drinking water, toilet and health services in the jail. There has been no initiation to renovate the building.

DISAPPEARANCE/ABDUCTION

By Maoists

Bishnu Bishwakarma, 16, of Hadhade VDC-4 was abducted from the same VDC because of political difference by the group of Maoist cadres led by Bidur

Pun on 4 April. The Maoists also gave him death threats. Biswakarma was released in presence of human right defenders and journalists.

THREATS/BEATINGS

By State

Prakash Kafle of Wamitaxar VDC-1 was threatened for reporting of a rape of 12-years-old girl to the Radio Resunga on 7 August. Sub inspector Mohan Bahadur Gharti threatened Kafle after calling him the police station. The girl was raped by Gunta Raj Rana, 26, of the same VDC on 2 August.

By Maoists

As many as six persons were threatened/beaten by Maoists this year. UML activist Lanka Bahadur Basnet, 60, of Doholi VDC-7 was beaten while returning from election campaign by a group of Maoist activists led by Damodar Basnet alias Bishal in connection with political reason on 7 April. The victim was treated at district hospital.

By YCL

Rajan Nepali, 18, of Musikot VDC was seriously injured in an attack of YCL activist Harka Bahadur Nepali alias Tufan of the same VDC due to personal dispute on 26 May. The victim was treated at Palpa mission hospital.

By NC

As many as three persons were threatened/beaten by NC this year. UML activists Bhimlal Bhattarai of Paralmi VDC-7 and Manisagar Biswakarma of ward number 8 of the same were thrashed by NC cadres Til Bahadur Kunwor, Bhuwan Singh Pun, Chura Bahadur Somare, Yam Bahadur Somai on 10 April on charge of

Table : 1

Types of Event	By Non-State								By State		
	By Others					By Maoists					
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3		4		4						
Injured	1	1			1						
Beatings	4	4	2		6	2	4	4			
Threats						2	2	2	1	1	1
Racial Discrimination	1	2		18	20						
Women Rights	2		2		2						
Child Rights	1		1		1						
Economic, Social and Cultural Rights	1		1		1	1	1	1			
Abduction						1	1	1			
Total	13	7	10	18	35	6	8	8	1	1	1

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By NC			By YCL			By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Female	Total
Killing							1	2	2
Injured				1	1	1			
Beatings	1	3	3						
Total	1	3	3	1	1	1	1	2	2

irregularities at the local election booth. The victims sustained serious injuries at different parts and were treated at district hospital.

RIGHT TO PROMPT AND FAIR TRIAL

There were 27 criminal cases brought forward and 105 new cases registered in the district court. Out of those, 39 cases were decided. Similarly, out of 67 civil cases brought forward from last year and 131 new cases, 116 cases were decided. There is no pending case older than one year.

CHILD RIGHTS

A 12-years-old girl of Wamitaxar VDC-1 was raped while cutting grass in the nearby field by Gunta Raj Rana, 26, of the same VDC on 2 August. Locals reported about the incident to Bami Police Post after finding the girl in an unconscious condition. Rana escaped while he was being taken to DPO at Tamghas. He was absconding till the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 25-years-old woman of Bhanbhane VDC-8 was raped by Dipak Chand, Basudev Chand, basu Dev Khatri and Amrit Shrish of the same place while returning from observing Dashain Festival on 14 October.

Domestic Violence

Mina Khatri, 28, of Wamitaxar VDC-8 was killed by her husband Baburam Khatri by slitting her throat with a knife on 5 November. Locals found out about the incident after the victim's son called them asking for help. They reported that Baburam was asking money from the victim to buy alcohol just before the incident. The perpetrator was at district prison in remand till the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Ramu Chundara, 24, of Tamghas VDC-1 was prevented to use water from the public tap by a group of 24 persons including Chandra Bahadur Chudar accusing of having inter-caste marriage on 16 August. He had got married with Lata Pariyar of Arkhale VDC-7. The same group had also misbehaved with them prior to the incident including denying them entry to the temple. A settlement was made between the two sides in the presence of human right defenders and intellectuals after the victims filed a complaint at DPO on 19 August.



3.13 Baglung



Population : 302,002

Literacy(%) : 65

Women Literacy(%) : 50

Area(Sq. Km.) : 1,784

Number of VDC(s)/Municipality(ies) : 59/1

Number of School(s) : 496/11

Campus(es)/Higher Secondary School(s) : 4/23

Hospital(s)/Health Post(s) : 1/59

Human Development Index : 0.492

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'C' level district prison has 11 male and two female convicts, and 17 detainees including one female detainee this year. The prison has the capacity for 18 male and seven female inmates. The building is in dire need of renovation.

DISAPPEARANCE/ABDUCTION

By Rastriya Jana Morcha

As many as 23 persons were abducted by Rastriya Jana Morcha this year. UML cadres, Tilak Bhandari, Hira Bahadur Bhandari, Bharat Thapa and Khum Bahadru Bhandari from Dhamjha VDC-2 were abducted and beaten by cadres of Rastriya Jana Morcha on 29 January. They were thrashed over an issue

regarding the election of the management committee at Janasewa Primary school. Among the victims, Hira Bahadur, Bharat and Khum Bahadur were locked in a house in Tandram VDC and handed over to the police in Bhimapokhara VDC-1 on 30 January. The victims were released on same day.

Table : 1

Types of Event	By Non-State						
	By Others				By Maoists		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Beatings	16	30	13	43	2	2	2
Threats	1	1		1	1	1	1
Abduction	4	24		24			
Total	21	55	13	68	3	3	3

THREATS/BEATING

By Maoists

As many as three persons were threatened/beaten by Maoists this year. A Jana Morcha cadre, Ramu BK, 37, from Binamare VDC-9 was beaten by Maoists for allegedly embezzling the village committee on 12 January. BK sustained injuries to his left eye. The victim was treated at the Baglung Hospital.

BY YCL

As many as five persons were threatened/beaten by YCL this year. An NC activist, Chirinjibi Gautam, from Baglung metropolitan-7 was beaten at his neighbour's house by a group of YCL activists for campaigning for the Nepali Congress on 9 April. The attack left his hand broken. The victim was treated at the Baglung Hospital.

By Rastriya Jana Morcha

As many as 25 persons were threatened/beaten by Rastriya Jana Morcha this year. Dhankala Poudel, 68, Lila Sharma, 44, Dolma Sharma, Sabitri Sharma, Pawan Sharma and Chakrapani Poudel were thrashed for campaigning against Rastriya Jana Morcha by cadres of Rastriya Jana Morcha on 30 January. Among the victims, Lila Sharma and Chakrapani Poudel were treated at Baglung Hospital whereas the rest were treated at Jaidi sub-health post.

By CPN (United)

As many as five persons were threatened/beaten by CPN(United) this year. Dirgha Raj Kandel, 25, Tulsi Ram Poudel, 29, Balibhadra Kandel, 50, Baburam Chhetri, 44, of Likhani VDC, Rajan KC, 32, of Sigana VDC, Prakash Chhetri, 22, of Paiyupat VDC were thrashed by cadres of the CPN (United) on 5 April. They were attacked because they were in the election campaign with Manibhadra Sharma, NC candidate for constituency-2. They were attacked as they were sleeping in house of Gupta Bahadur Kala. All the victims were airlifted to Kathmandu for treatment.

By NC

As many as three persons were threatened/beaten by NC this year. NC activist, Chitra Bahadur Karki, threatened INSEC district representative, Ram Bahadur GC, over the telephone for writing news against Karki on the night of 11 April. He was threatened after beating of the district vice president of the National Teacher's Association, Thaneshwor Prasad Gautam, by NC activists was published.

By UML

As many as two persons were threatened/beaten by UML this year. Coordinator of the CA election committee, Badri Kisan, from Dhamja VDC-7 was harassed by UML cadres for campaigning



Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Type of Events	By Rastriya Janamorchha				By UML			By NC		
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	8	13	12	25	1	2	2	2	3	3
Threats								1	1	1
Abduction	3	23		23						
Total	11	36	12	48	1	2	2	3	4	4

Table : 3
Based on statistics 'By Non-State' mentioned in Table : 1

Type of Events	By CPN(United)			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	1	5	5	3	5	5
Threats						
Abduction				1	1	1
Total	1	5	5	4	6	6

forward from last year and 50 new cases were registered in the Appellate Court this year. Out of those, 25 old cases and 30 new cases were decided. Similarly, out of eight civil cases brought forward from last year and 18 new cases, two old and six new cases were decided this year.

for Rastriya Jana Morcha on 31 March.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

NC cadres and YCL cadres both vandalized the election booth in Malika VDC while the voting was underway accusing UML of casting bogus votes on 10 April. The voting was postponed after clashes among the UML, CPN (United) and Rastriya Jana Morcha ensued at Khunga VDC. Clashes occurred between Rastriya Jana Morcha and NC in Sarkuwa VDC, and UML, CPN (United) and Rastriya Janamorchha in Rangkhani as well. There was a re-election in those VDC's on 17 April.

RIGHT TO PROMPT AND FAIR TRIAL

36 criminal cases were brought

In the district court, there were 114 criminal cases brought forward from last year and 97 new cases registered in the district court this year. Out of those, 36 old cases and 30 new cases were decided this year. Similarly, out of 47 civil cases brought forward from last year and 49 new cases, 12 old cases and 18 new cases were decided this year.

ALL KINDS OF RACIAL DISCRIMINATION

The Kot temple, situated in Sigana VDC-1, has been locked since last year following demand by the dalits to have the right to enter. The members of the dalit community said the temple remains closed because the non-dalit community failed to adhere to the agreement. Both sides had agreed at a District Administration Office to open the temple on 29 September. In the agreement, the non-dalit groups had accepted to open the temple for all.

3.14 Parvat



Population : 170,227

Literacy(%) : 67

Women Literacy(%) : 56

Area(Sq. Km.) : 494

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 327/13

Campus(es)/Higher Secondary School(s) : 4/24

Hospital(s)/Health Post(s) : 2/53

Human Development Index : 0.504

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail which has the capacity of 25 inmates has nine male and two female convicts and 19 male and one female detainees by the end of the year. The inmates have complained about the small size of the kitchen, and lack of access to newspapers and sports materials.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as six persons were abducted by Maoists this year. Maya Adhikari, 23, of Lunkhu VDC-1 and Gyanu Tiwari, 24, of Saraukhola VDC-8 were abducted by Maoists while they

were conducting an election awareness program on 5 April. The cash and election materials were seized away from them. After looting the materials Maoist handed them to Area Police Office at Hubas. The victims were released on 24 Chaitra.

THREATS/BEATINGS

By Maoists

As many as six persons were threatened/beaten by Maoists this year. NC activists Suresh Raj Sharma, 38, and Ram Raj Sharma of Deupur VDC were thrashed by Maoist cadres on 16 January for opposing their party. The victims sustained injuries to different parts their bodies. Ram was treated in Kathmandu whereas Suresh was treated at Manipal College, Pokhara.

UML cadre Ram Bahadur Adhikari Chhetri of Bajung VDC was beaten by Maoist cadres while he was on his way to Kushma with ballot papers on 10 April. He was blamed for being an election representative.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court, there were 23 criminal cases brought forward and 38 new cases registered in the District Court. Out of those, 29 cases were decided. Similarly, out of 46 civil cases brought forward from last year and 26 new cases, 29 cases were decided. Seven cases out of 10 divorce and property claim cases were settled.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Durga Bahadur Pun, District Coordinator of the Nepal Federation of Indigenous and Nationalities (NEFIN) was harassed by Chief District Officer Jitendra Bahadur Bhandari on 6 July on charge of being a broker during the citizenship and passport distribution campaign. Bhandari

Types of Event	By Non-State								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Beatings	1	1		1	4	6		6			
Threats	1	1		1							
Racial Discrimination	1	1	1	2							
Women Rights	2		2	2							
Child Rights	2		2	2							
Economic, Social and Cultural Rights					1	1		1			
Inhuman Behaviour									1	1	1
Abduction					5	4	2	6			
Total	7	3	5	8	10	11	2	13	1	1	1

apologized for his action after hundreds of NEFIN activists demonstrated in front of District Administration Office.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sirjana Giri, 22, Siwalaya VDC-3 was expelled from her house with her dowry on 24 December. There was a mutual agreement to give her a share of property within one month. She had arranged a marriage with Jeevan Giri on 12 July. After 15 days of marriage, Giri and her mother-in-law started torturing her asking for a motorcycle and a car. Giri lodged a complaint in DPO on 21 November. The DPO called both parties and settled the case by making an agreement that involved returning the dowry and providing the victim with her share of property.



3.15 Myagdi



Population : 126,805

Literacy(%) : 60

Women Literacy(%) : 40

Area(Sq. Km.) : 2,297

Number of VDC(s)/Municipality(ies) : 40/0

Number of School(s) : 230/10

Campus(es)/Higher Secondary School(s) : 1/10

Hospital(s)/Health Post(s) : 1/42

Human Development Index : 0.498

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The 'B' grade district prison has 31 male and two female inmates. 21 of these

Types of Event	By Non-State						By State		
	By Others			By Maoists			No. of Events	Male	Total
	No. of Events	Male	Total	No. of Events	Male	Total			
Arrest & Torture							1	1	1
Beatings				1	1	1			
Economic, Social and Cultural Rights	1	1	1	1	1	1			
Abduction				2	2	2			
Total	1	1	1	4	4	4	1	1	1

detainees, including two female inmates, are convicts. The inmates have access to a modern toilet, clean drinking water, sports material and a television. The jail also borrows books from Myagdi library for the inmates. A few newspapers are also available. The inmates are involved in income generating work such as candle and bag making.

\DISAPPEARANCE/ABDUCTION

As many as two persons were abducted by Maoist this year. UML village committee member Bishnu Budha of Rum VDC-8 was abducted by the Maoists on 9 April. He was kept in a jungle where he was mentally tortured. Budha was released the next morning on condition of not opposing Maoist acts or speaking against them on the Election Day.

THREATS/BEATINGS

By Maoists

Tek Bahadur Garbuja, 65, of Tiplyang in Begkhola VDC-9 was beaten by Maoists' area number 4 secretary Paluwa on 5 May for not handing over the demanded amount of money. Paluwa said that action was taken against Garbuja after members of civil society filed a complaint against him in people's court.

RIGHT TO PROMPT AND FREE TRIAL

This year 52 criminal cases and 56 civil cases were registered. Of those registered, 17 criminal and 12 civil cases

were decided. Among the pending cases, two are three-years-old and five are two years-old.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Kamal Pun, 38, of Pakhapani VDC-1 who is currently residing in the District Headquarters was taken into police custody in the temporary police station in Paribeni VDC of Parbat district on 15 July. He was arrested on charge of creating disturbances in a public place after consuming alcohol. He was beaten in custody with a chair which left his left hand broken in three places. Pun lodged a complaint in the District Court, Parbat. The perpetrators were released on the court's order after depositing bail.

CHILD RIGHTS

Ramesh Nepali, 14, of Nanglibang VDC-9 in Parbat district was crushed to death in Ratnechaur VDC-5 on 9 June in the morning. He was killed on the spot when the side of the hill caved in on him as he was digging the foundations of Baglung-Beni-Jomsom road.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A District Forest Office group led by ranger Purna Prasad Bharati was returned from Rum VDC by Maoist cadres on 29 May. They were accused of entering the village without Maoist permission. Min



Bahadur Baniya, Maoist secretary admitted that the cadres' move was a mistake.

Four *ropanies* of land and two buildings located in Athunge VDC-2 and belonging to Pradip Sapkota, 38, of Jyamrukot VDC-8 was captured by Youth force cadres on 9 July. On 10 July, six political parties including UML, Maoists, NC and Janamorcha declared at a program that they were also capturing the same property. Nepal Food Corporation had sold the land to the land broker Narattam Dhahal for Rs 12m on 27 June. Sapkota had bought the land from Dahal in Rs 17.9m on 29 June. Political parties and locals accused the corporation of being involved in embezzlement and selling the land to land mafia and demanded for nationalization of the property.

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "E" grade District Jail with a capacity of 35 inmates has only one male detainee at the end of this year.

RIGHT TO PROMPT AND FAIR TRIAL

There was one murder case and two cases of motorcycle arson registered in the district court this year. None of the cases have been decided. Very few cases are brought to the district court as most of them are decided at the local level by village heads. There were no cases brought forward from previous years in the court.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The locals of the Mustang district submitted a memorandum to the District Administration Office on 17 September requesting authority for the construction of the damaged Mustang-Myagdi road section. Similarly, the Trade Union Federation and the Nepal Dalit Mukti Morcha also submitted a memorandum to the District Administration Office for the construction of the direct road from Jomsom to Beni and reduction on transportation fare on 2 and 3 December respectively. The locals announced closure of transportation on the road from 16 to 18 December to protest the high fare. The transport workers committee retaliated by suspending vehicular services from 19 to 25 December. Irate locals vandalized nine jeeps in Ghansa of Lete VDC on 21 December.

3.16

Mustang



Population : 15,554

Literacy(%) : 53

Women Literacy(%) : 40

Area(Sq. Km.) : 3,573

Number of VDC(s)/Municipality(ies) : 16/0

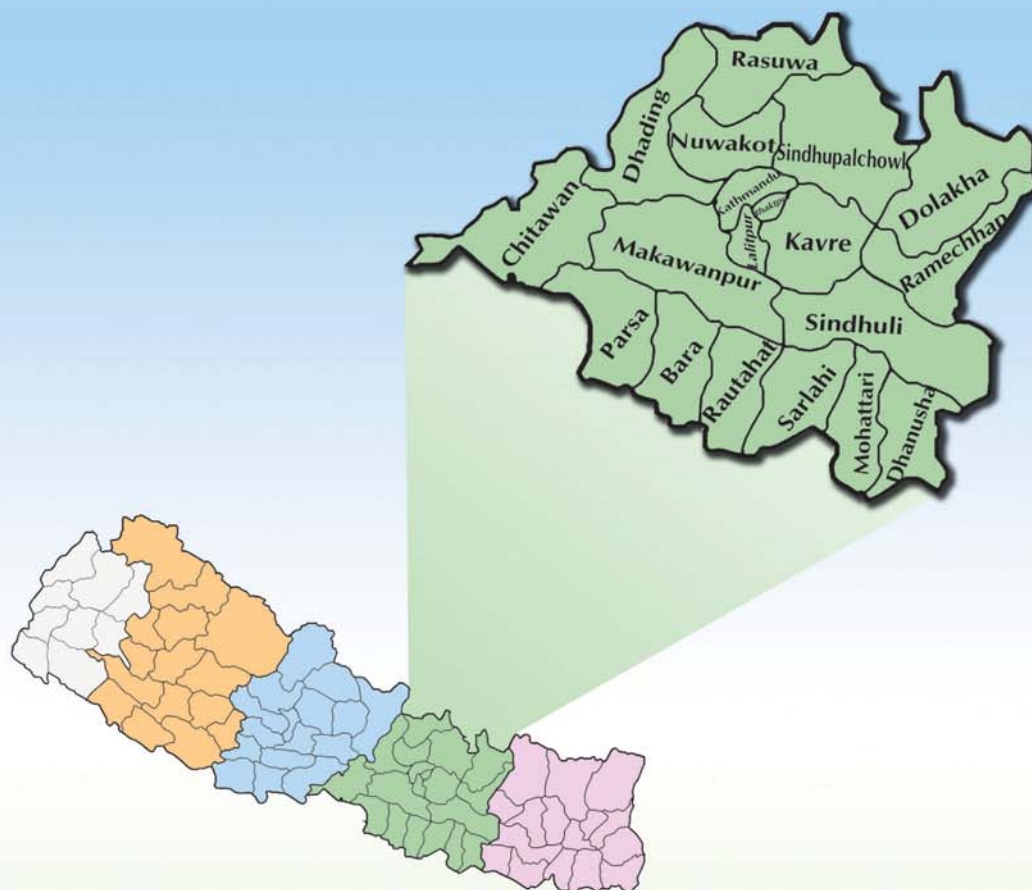
Number of School(s) : 65/5

Campus(es)/Higher Secondary School(s) : 0/1

Hospital(s)/Health Post(s) : 2/18

Human Development Index : 0.482

Average Household Size : 5



2. MID REGION

- | | |
|---------------|---------------------|
| 2.1 Dhanusha | 2.11 Makawanpur |
| 2.2 Mahottari | 2.12 Lalitpur |
| 2.3 Sarlahi | 2.13 Kavre |
| 2.4 Sindhuli | 2.14 Bhaktapur |
| 2.5 Ramechhap | 2.15 Kathmandu |
| 2.6 Dolakha | 2.16 Dhading |
| 2.7 Rautahat | 2.17 Sindhupalchowk |
| 2.8 Bara | 2.18 Nuwakot |
| 2.9 Parsa | 2.19 Rasuwa |
| 2.10 Chitwan | |

2.1 Dhanusha



Population : 793,422

Literacy(%) : 50

Women Literacy(%) : 30

Area(Sq. Km.) : 1,180

Number of VDC(s)/Municipality(ies) : 101/1

Number of School(s) : 371/9

Campus(es)/Higher Secondary School(s) : 7/18

Hospital(s)/Health Post(s) : 3/102

Human Development Index : 0.449

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By JTMM-J

As many as two persons were killed by JTMM-J this year. Madan Kumar Moktan, 22, of Digambarpur VDC-5 was crushed to death by a stone by JTMM-J cadres at Pushpalpur VDC-1 on charge of carrying out anti-Madhes activities on 28 January. A worker for Aqua Mineral Water Company in Kathmandu, Moktan was abducted by JTMM cadres from Pushpalpur chok as he was returning home to take his parents for treatment and later killed. The then central member of JTMM-J Rajan Mukti acknowledged that they killing was a mistake.

UML cadre Rama Sah, 58, of Dhawouli VDC-8 was shot dead by JTMM-J cadres at his home on 16 January on the charge of being involved in a murder. Ganga Das, a resident of the same VDC was arrested in connection with the murder and was in the custody of the DPO by the end of the year.

By JTMM (Rajan Mukti)

As many as five persons were killed by JTMM (Rajan Mukti) this year. Overseer of Janakpur municipality Jitendra Sah, 38, of Inarbari VDC-7, Rautahat, was shot dead by JTMM (Rajan Mukti) cadres in Janakpur municipality-4 on 26 June. Sah's family had filed a complaint against the manager of Agriculture Development Bank sub-branch office Luv Kumar Sharma and his assistant Upendra Jha but no action was taken against them.

JTMM (Rajan Mukti) cadres shot dead Shrawan Kumar Shrestha, 50, of Janakpur Municipality-1 at Jalad River In Digambarpur VDC on 7 May. Shrestha's family accused JTMM (Rajan Mukti) cadres of killing him after a demand for ransom was not met. Abinash Mukti of JTMM (Rajan Mukti) said that Shrestha who was from the hilly region was killed for not leaving the Madhes area. Shrestha, an employee at Janakpur Cigarette Company, was found dead five days after he was abducted from Therakchuri VDC on 3 May.

By MMT

Cadres of Madhesi Mukti Tigers shot dead Uday Yadav, 35, of Mahadaiya Tapanpur VDC-5 in Digambarpur VDC-9 in Mahottari district on charge of spying against them date. Yadav, who had gone to attend the marriage of a villager in Tarapatti Sirsiya VDC, was abducted while he was washing his jeep in a canal before being shot dead.



Table : 1

Types of Event	By Non-State									By State				
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	38	31	8	1	40					3	4			4
Injured	25	61	7		68					2	1	2		3
Beatings	4	6			6					7	13			13
Threats	3	6			6					2	3			3
Right to Assembly										5	76		207	283
Women Rights	46		46		46									
Child Rights	5		5		5									
Economic, Social and Cultural Rights	1	1			1	2	3	3	6					
Abduction	39	42	3		45									
Total	161	147	69	1	217	2	3	3	6	19	97	2	207	306

CROSSFIRE

As many as four persons were killed by State this year. Military commander of SJTMM Pradip Rohita Yadav, 32, alias Steel Body of Bisarbhora VDC-2, was injured in police firing in Puswapalpur VDC-1 on 22 March. Yadav died whilst being taken for treatment in Janakpur. The DPO said he was hurt in retaliatory firing after JTMM cadres opened fire at a patrolling police team. Police recovered a 12 bore pistol, six rounds of bullets and a motorbike from the incident site.

Siraha district in-charge of Madhes Nyantrak Samuha Manoj Yadav, 23, of Siraha municipality-1 and military commander of the group Suresh Yadav, 29, were killed in police fire at Janakpur Municipality-1 on 20 December. Police said that the two were killed in retaliatory firing, however, the general secretary of the group Prithvi claimed that the police killed them after arrest.

INJURED IN SHOOTING/EXPLOSION

By State

As many as three persons were injured by State this year. Sanjaya Sah, 24, of Naktajhijh VDC-4 was injured when police shot him in Sakhuwa Mahendranagar VDC-1 on 15 December.

Police opened fire after locals and relatives of Punit Sah, of Krishnanagar VDC protested in front of the area police office against the release of those accused of being involved in his abduction. Sah was treated in Kathmandu.

By JTMM (Rajan Mukti)

As Many as 21 persons were injured by JTMM (Rajan Mukti) group this year. Shatrughan Lal Karna, 55, of Janakpur municipality-10 was injured when cadres of JTMM (Rajan Mukti) detonated a sutali bomb in Janakpur municipality-10 on 4 July. Karna received treatment at Janakpur Zonal hospital.

Shri Krishna Mahato, Surendra Kumar Mahato of Uma Prempur VDC; Rajendra Mahato, Ritlal Mahato of Naktajhijh VDC-5, Jugeshwor Thakur, Chit Ranjan Thakur of Balha kathal VDC-8; Nathuni Pariyaar and his wife Bidhya Pariyaar of Ragunathpur VDC-3, Ashok Kumar Thakur of Bhutahi Partewa VDC-7, Baelal Mahato of Godar VDC-9, Amirati Devi Mahato of Bharatpur VDC-1, Rohit Mahato of Digambarpur VDC-1, Sujaan Devi Mahato of Bharatpur VDC-9 and Shiva Dev Pandit of Bahuharwa VDC-2 were injured when a cylinder bomb went off at land revenue office in Janakpur

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM			By MMT				By JTMM(Rajan mukti)				By JTMM-J		
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing				1	1		1	5	5		5	2	2	2
Injured	1	1	1	1	1	1	2	6	15	6	21			
Beatings														
Threats												1	1	1
Economic, Social and Cultural Rights														
Abduction	1	2	2	7	7	1	8	2	2		2	2	2	2
Total	2	3	3	9	9	2	11	13	22	6	28	5	5	5

municipality-4 on 22 October. Most of the injuries them sustained burn on the hand, back, leg and face. Some of the injured were taken to Kathmandu for treatment while the rest were treated at Janakpur Zonal Hospital. JTMM (Rajan Mukti) and Tarai Rastriya Mukti Sena claimed responsibility for the blast.

By SJTMM

Uddhav Bujel, 40, of Sakhuwa Mahendranagar VDC-1 was injured when SJTMM cadres shot him at the office of Prabhu Finance Company in Janakpur municipality-1. Working as a guard for the company, Bhujel was shot in the chest by JTMM cadres. He was initially treated at Janakpur Zonal Hospital and later taken to Dharan for further treatment.

By TRMS

Cadres of Tarai Rastriya Mukti Sena shot Gauri Shankar Mahato, 52, of Janakpur municipality-9 on 20 July for not supporting the group. Proprietor of Gauri Shankar Iron Stores, Mahato was taken to Kathmandu for treatment. He sustained a bullet injury to his thigh.

By MMT

Ramji Bhagat, 65, and Aasha Thakur, 17, of Janakpur municipality-3

were injured when cadres of Madhesi Mukti Tigers detonated a pipe bomb at Janakpur municipality-7 after they had defied the bandh called by them. Both injured victims were treated at a local health post.

By Unidentified Group

Chakra Bahadur Paudel, 40, of Godar VDC-8 was injured when an unidentified group shot him at his home on 11 July. He received treatment in BPIHKS Dharan.

DISAPPEARANCE/ABDUCTION

By JTMM-J

As many as two persons were abducted by JTMM-J this year. Principal of Mahendranagar based Rupiz Boarding School Bishnu Rana Magar, 42, was abducted by JTMM-J cadres from Puswalpur road section along the East-West highway on 16 January on the charge of being involved in suspicious activities. Magar, who hails from Dhudhauri VDC-2 in Sindhuli, was abducted while he was heading towards the school from his in-laws' home in Dharapaani on a bicycle. He was released from Sakhuwa Mahendranagar VDC on 21 January in the presence of journalist Birendra Ramand human rights defender Bijaya Datta

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-G			By LTTE			By TRMS			By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Killing										16	14	2	1	17
Injured				1	2	2	1	1	1	13	38			38
Beatings	1	1	1	1	1	1				2	4			4
Threats	1	1	1				1	4	4					
Economic, Social and Cultural Rights										1	1			1
Abduction	2	2	2	1	1	1				20	22			22
Total	4	4	4	3	4	4	2	5	5	52	79	2	1	82

following initiations taken by an INSEC Bara representative.

By ATMM

Punit Sah, 50, of Kishannagar VDC-4, Mahottari was abducted by cadres of ATMM from Bateswor VDC on 10 December for not providing money as donation. Sah was released from Sakhuwa Mahendranagar in the presence of his relatives on 17 December.

By LTTE

Dhundi Raj Dahal, 53, of Godar VDC-3 was abducted by cadres of Liberation of Tarai Tigers Eelam from the same VDC on 26 March. Four men had taken him away in a motorbike and demanded Rs 1000,000 as ransom. He was rescued a few hours later by the Armed Police Force from Bharatpur VDC. Police arrested Ram Kumar Yadav, Jay Kumar Yadav, Chandra Prasad Yadav, Nabin Hussain of Siraha district, and Shamsul Rain of Mahottari district in connection with the abduction. All of the arrestees were sent to jail on remand on 19 April following orders from the District court.

By JTMM (Rajan Mukti)

As many as two persons were abducted by JTMM (Rajan Mukti) Group

this year. Mahendra Gohiwaar Yadav, 45, of Gothakoyalpur VDC-3 was abducted by JTMM (Rajan Mukti) cadres from the same VDC on 3 November on the charge of not providing money as donation. Yadav was released the next day in the presence of relatives.

By MMT

As many as eight people were abducted by MMT this year. Suwaran Das, 45, of Gopalpur VDC-9 and Mohan Sah, 35, of Tulsiyahi VDC, also an overseer at Care Nepal Dhanusa, was abducted by cadres of Madhesi Mukti Tigers from Gopalpur VDC-9 on 18 January for not providing money as donation. The MMT cadres, who came on motorbike, abducted the two when they went to the village for official work. Das managed to escape from the group's captivity the same night while Sah was released two days later from Sinurjoda VDC in the presence of Samaj Uthhan Yuwa Kendra's Gyanendra Yadav.

By SJTMM

As many as two persons were abducted by SJTMM this year. Jogi Mandal, 40, and Uchit Mandal, 65, of Yagyabhumi VDC-6 were abducted by cadres of SJTMM from their home on 2 February on the

charge of assisting a couple to escape from the village. The two were beaten and then released the next day from Umaprempur VDC in the presence of local Pandav Mandal and Laxman Mandal.

By Unidentified Group

As many as 22 persons were abducted by unidentified group this year. Bhrigunath Thakur, 50, of Janakpur municipality-10 was abducted from near his home by an unidentified group on 2 April. Thakur, who had filed his candidacy in the CA elections from Dhanusha constituency 4, was released on 11 April from Bhiththamod in Mahottari district.

Shiva Shankar Sah, 55, of Dhalkewar VDC-9 was abducted by an unidentified group from Dhalkebar Bazaar while he was returning home on 9 April. He was released the next day.

THREATS/BEATINGS

By State

As many as 16 persons were threatened/beaten by State this year. Human rights activist Raj Kumar Mahaseth, 35, of Janakpur municipality-10 was beaten by Armed Police Force on 26 January when he was monitoring a protest staged by Madhes-based parties in the assembly.

By JTMM-J

Claiming to be a cadre of JTMM-J, Rakesh Singh, 42, of Saptari threatened the chief of the Agriculture Development Office Dhanusa Om Prakash Karna, of Janakpur municipality-4, on 5 May for not providing Rs 50,000 as donation. District Court gave an order that Singh should be sent to jail on remand on 7 June.

By ATMM

Jaharu Thakur, 55, of Makhanaha VDC-3 was threatened with death by

cadres of ATMM on 7 January for not agreeing to buy land captured by them.

By TRMS

Baba Khan of Tarai Rastriya Mukti Sena threatened to take physical action against journalists associated with the newspaper Janakpur Today- Ajit Tiwari, Ganesh Kharel, Ajay Kumar Sah and editor of Tarai Times Dainik Birendra Raman on 31 July accusing them of publishing, distributing and disseminating news in Nepali language.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

15 cadres of Samyukta Loktantrik Madhesi Morcha, including Rajesh Jaalan, 32, of Janakpur municipality-1, Saroj Kumar, 22, Binay Kumar Thakur of Janakpur municipality-4, were injured in a clash between police and protestors at Janakpur municipality on 25 February. Police had baton-charged at the protestors. The injured were treated at Janakpur Zonal Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

99 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. 122 criminal cases, where the individual is plaintiff, were filed this year. Among the total 221 criminal cases, where the individual is plaintiff, 20 cases were decided and 201 cases remained undecided by the end of this year.

81 criminal cases were brought forward from the last year. 120 criminal cases were filed this year. Among the total 120 criminal cases, 10 cases were decided and 191 cases remained undecided by the end of this year.

920 civil cases were brought

forward from the last year. 1234 civil cases were filed this year. Among the total 2154 civil cases, 244 cases were decided and 1910 cases remained undecided by the end of this year.

CHILD RIGHTS

A 15-year-old girl belonging to the Dalit community of Hariharpur VDC-6 was gang-raped by Raguveer Yadav, 25, and Umesh Kumar Mahato, 22, of the same place at Jalad River in the same VDC on 1 January. The girl was raped as she was returning after collecting firewood from jungle. She was treated at Janakpur Zonal Hospital. Although a complaint has been filed against the two, no one had been arrested by the end of the year.

Pooja Sah, 9, of Janakpur municipality-9, was abducted by cadres of Madhesi Mukti Morcha from near her home on 20 June. Gorakh Singh of the group had snatched her after her father failed to provide the Rs 500,000 demanded by them. The girl was released same day from Sakhuwa Mahendranagar when the police team immediately deployed after the incident surrounded the suspected site.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old woman of Bharatpur VDC-2 was gang-raped by Harun Kawadi, 22, and Kalaam Miyaa, 25, of the same place at her home on 30 May. The woman

was treated at Janakpur Zonal Hospital. No one has been arrested regarding the incident.

Mundrika Devi Chaudhary, 71, of Duhabi VDC-1 was fed human excreta by Srichan Ray Amat, 50, and Jhuluwa Devi Amat, 35, of the same place on 23 May on the charge of being a witch. Chaudhary was also beaten by them. No action was taken against the two although the victim did file a complaint against them at the DPO.

Domestic Violence

Ratna Kumari Sah, 23, of Janakpur municipality-6 was beaten and injured by her husband Rahul Sah, 26, and parents-in-law Ram Nath Sah, 46, and Sushila Devi Sah, 43, for bringing smaller dowry than was expected. Ratna received treatment at Janakpur Zonal Hospital. Although Ratna filed a complaint seeking action be taken against them, police made a compromise between the two sides.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

Maoists cadres captured land and a house belonging to Sundar Nath Bhattarai, 60, Keshav Nath Bhattarai, 55, and Neera Bhattarai, 50, of Dhanushadham VDC-1 on 30 November. Maoists are yet to return 10 *bigahas* of land, a mango orchard and a house built across one *bigaha* of land belonging to the three persons which was captured five years ago.



2.2 Mahottari



Population : 663,389

Literacy(%) : 35

Women Literacy(%) : 25

Area(Sq. Km.) : 1,002

Number of VDC(s)/Municipality(ies) : 76/1

Number of School(s) : 267/24

Campus(es)/Higher Secondary School(s) : 2/5

Hospital(s)/Health Post(s) : 1/81

Human Development Index : 0.407

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Kaiyan Dafali, 55, of Jaleshwor municipality-3, died while being treated at Sitamadi in India on 15 March. He had been beaten and injured by APF men at his home during the Madhes movement on 18 February. Relatives of the deceased demanded that he be declared a martyr. Dafali's family is yet to receive compensation.

By JTMM-J

Hari Prasad Chaulagain, 50, of Bardibas VDC-1 was injured after JTMM-J cadres shot him on 3 January as he had gone to cut grass in Maisthan jungle.

He died while undergoing treatment at BPKIHS Dharan two days later. The government provided Rs 700,000 to his family as compensation.

By JTMM (Rajan Mukti)

As many as two persons were killed by JTMM (Rajan Mukti) this year. Cadres of Rajan Mukti-led JTMM shot dead Bir Bahadur Shrestha, 41, of Nigoul VDC-2 on 3 July near Manahari River at Kisannagar VDC-4. The group had abducted him that day from Jaleshwar-Bardibas road section in Sonamai VDC-1.

NC booth committee president Pashupati Rana, 36, of Ramnagar VDC-3 was shot dead after being abducted by JTMM (Rajan Mukti) cadres on 23 July. The group abducted Rana from his home before shooting him dead at a sugarcane field in Jaathilet VDC-5.

By Unidentified Group

As many as eight persons were killed by unidentified group this year. Shishu Prasad Khanal, 42, of Bharatpur VDC-4 was hacked to death by an unidentified group near Madaha River while he was returning home from Gaushala Bazaar on 1 March. The deceased's family received Rs 200,000 as compensation from the government.

Maoist area committee member Sukiya Devi Ram, 42, of Kataiya in Bhangaha VDC-9 was hacked to death by an unidentified group on 3 September. The group had abducted Ram from her home a day ago. Her dead body was recovered from a field near Bateshwar VDC.

INJURED IN SHOOTING/EXPLOSION

By JTMM-J

Shri Lama, 55, of Maisthan VDC-8, was shot injured by JTMM-J cadres at a jungle near his home on 2 March. He was treated at Lalghadh Hospital.

Table : 1

Types of Event	By Non-State				By State			
	By Others							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	14	10	4	14	1	1		1
Injured	8	10	8	18	2	12		12
Arrest & Torture					1	1		1
Right to Assembly					4	23	3	26
Racial Discrimination	1	3		3				
Women Rights	2		2	2				
Child Rights	1		1	1				
Abduction	41	47	1	48				
Total	67	70	16	86	8	37	3	40

By Tarai Military Morcha

Sandip Kumar Mishra, 35, of Dhamoura VDC-7 was shot by cadres of Tarai Military Morcha at his home on 11 November. Mishra was treated at Janakpur Zonal hospital after sustaining shrapnel injuries to his face.

By Unidentified Group

As many as 16 persons were injured by unidentified group this year. Ram Babu Yadav, 32, of Fulkaha VDC-1 was shot and injured by an unidentified group near Jangaha River in Shripur VDC-1 on 17 March. He was treated at BPKIHS Dharan.

By Abandoned Bomb

As many as seven persons were injured by abandoned bombs this year. Owner of Pushpa Hotel in Bardibas VDC-1 Ganga Shrestha, 30, her son Amar Shrestha, 12, daughter Anisha Shrestha, 10, and a worker Dhana Bahadur Lama, 26 were injured when a sutali bomb, left by some men of Madhesi origin in the hotel, went off on 17 January. The bomb went off when the injured victim touched the bag in which it was kept. The injured were treated at a local hospital.

JAIL AND DETAINEES

The 'B' grade District Jail of Jaleshwar has the capacity to accommodate 135 inmates. However, 377 inmates, including 18 women, were detained in the jail by the end of this year. Of whom, 105 inmates were convicted while the rest were accused. Three children were also residing in the jail with their parents. Inmates face difficulties due to lack of sleeping space because the number of inmates far exceeds the jail's capacity. Water leaks from the dilapidated roof. The children in the jail did not have access to school. There were four hand pumps and five toilets for the male inmates and two hand pumps and two toilets for the female inmates in the jail.

DISAPPEARANCE/ABDUCTION

By JTMM-J

As many as 18 persons were abducted by JTMM-J this year. Sharad Sahani, 35, a teacher of Mahadaiya Tapanpur VDC-5 was abducted by JTMM-J cadres on 25 January for refusing to obey the order of the 'Tarai government'. He was released three days later.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM			By MT			By JTMM(Rajan Mukti)			By JTMM-J		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing							2	2	2	1	1	1
Injured										1	1	1
Abduction	1	5	5	5	7	7	2	2	2	17	18	18
Total	1	5	5	5	7	7	4	4	4	19	20	20

Daresh Ray, 40, of Dhankoul VDC-4 in Sarlahi district was abducted by JTMM-J cadres from Samsi VDC on 24 January on the charge of participating in the assembly of seven political parties. He was released a day later.

Ram Babu Sah of Khuttapiradi VDC-6 was abducted by JTMM-J cadres from home on 16 February. He was released two days later after providing a ransom of Rs 200,000.

By JTMM (Rajan Mukti)

As many as two persons were abducted by JTMM (Rajan Mukti) this year. A medicine businessman Rajaram Kaapar, 35, of Singhyahi VDC-2 was abducted by JTMM (Rajan Mukti) cadres from Singhyahi bazaar while he was returning home on 6 August. He was released four days later.

By Madhesi Mukti Tigers

As many as seven persons were abducted by Madhesi Mukti Tigers this year. MMT cadres abducted police constables Suresh Kumar Raut, 31, of Basatpur VDC-1, Parsa and Santosh Singh of Shishwa Kataiya VDC-4, who were both deputed at area police office Laharpatti, on 2 March. They were released from Bhuchakrapur VDC in Dhanusha district on 7 March in the presence of INSEC representative Roshan Dip Dhakal.

Dr. Brij Mohan Rajak, 42, and

health worker Sumit Kumar Sharma, 31, of Goushala VDC-2 were abducted by MMT cadres on 22 April. They were released two days later.

By SJTMM

As many as five persons were abducted by SJTMM this year. Man Bahadur Lama, 25, Bikram Lama, 28, Kaila Lama, 31, and Bir Bahadur Lama, 27, of Begnadabar VDC-8 in Dhanusha district were abducted by MMT cadres from Harinmari VDC-9 while they were on their way to sell logs on 8 March. They were released the next day.

By Unidentified Group

As many as 14 persons were abducted by unidentified group this year. Rameshwar Yadav, 25, of Mahadaiya Tapanpur VDC-3, was abducted by an unidentified group from home on 10 February. He was released two days later.

Health worker Punit Sah, 42, of Kishan nagar VDC-4 was abducted by an unidentified group on 10 December. He was released from Bateshwor Bazaar in Dhanusha on 18 December.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

District chairman of Madhesi

Table : 3
Based on statistics 'By Non-State'
mentioned in Table : 1

Types of Event	By Unidentified Group			
	No. of Events	Male	Female	Total
Killing	8	7	1	8
Injured	6	8	8	16
Abduction	14	14		14
Total	28	29	9	38

Student's Front Satyendra Yadav of Bathnaha VDC-1, TMDP cadres Pankaj Sharma, Saroj Singh, Ranjit Raj 'Madhesi', Birendra Sah, Sunil Sah, NSP cadres Sudip Jha and Dipu Sharma were injured in a clash with police while they were protesting the arrival of NC leader Sher Bahadur Deuba at Jaleshwor on 5 February.

Santosh Mahato, 23, of Suga VDC-6, Kalam Rain, 25, and Rakesh Kumar Singh of Banauli VDC-1, Suresh Kumar Paswan, 35, of Jaleshwor municipality-2, Bibek Jha of Bathnaha VDC-6, Rakesh Raut of Parsapathaili VDC-4, and Gyaneshwor Karn, 31, of Ankar VDC-8 were injured during the Madhes movement at Jaleshwor on 17 February. All of the injured were hit by rubber bullets and were treated at Jaleshwor hospital.

RIGHT TO PROMPT AND FAIR TRIAL

242 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Similarly, 210 criminal cases, where the individual is plaintiff, were filed this year. Among the total 452 criminal cases, where the individual is plaintiff, 38 cases were decided and 414 cases remained undecided by the end of this year.

71 criminal cases were brought forward from the last year. Similarly, 71 criminal cases were filed this year. Among the total 142 criminal cases, 11 cases were decided and 131 cases remained undecided by the end of this year.

1190 civil cases were brought forward from the last year. Similarly, 958 civil cases were filed this year. Among the total 2148 civil cases, 278 cases were decided and 1870 cases remained undecided by the end of this year.

CHILD RIGHTS

Cadres of Madhesi Mukti Morcha abducted Ajay Mahato, 6, of Pashupatinagar VDC-3 on 27 January, accusing his father of spying against them. The child was released three days later.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Johara Khatun, 33, of Parsadewad VDC-8 was expelled from home by her husband Habib Momin, 41, on 26 August after he married a second wife.

ALL KINDS OF RACIAL DISCRIMINATION

25 households of Chamar community of Nainhi VDC-8, including Garbha Mahara, 35, Sitai Mahara, 32, Devlal Mahara, 41, were embargoed by Suresh Yadav, 38, Kulananda Yadav, 45, Bitan Yadav, 38, Nandu Yadav, 42, and Bijaya Mandal, 39, of the same place for 10 days from the 6 October on the charge of not beating drums during the festival of Dashain. The embargo was lifted after the men belonging to the so-called upper caste apologized to the people from Chamar community in a village court organized at the local police post on 16 October.

2.3

Sarlahi



Population : 777,568

Literacy(%) : 45

Women Literacy(%) : 35

Area(Sq. Km.) : 1,259

Number of VDC(s)/Municipality(ies) : 99/1

Number of School(s) : 321/24

Campus(es)/Higher Secondary School(s) : 3/8

Hospital(s)/Health Post(s) : 1/103

Human Development Index : 0.408

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By JTMM-J

Karna Bahadur Bishwakarma, 21, of Bhaktipur VDC-2 was shot dead by JTMM-J cadres in the compound of Saagarnath Forest Development Project office in Gauri Shankar VDC-9 on 1 February. Bishwakarma, who was working as a guard at the office, was killed on charge of spying against the JTMM-J.

By TCF

An employee at Hariwan Indu Shankar Sugar Factory Gyan Prasad Rijal, 31, alias Prakash of Jabdi VDC-9 was shot dead while he was returning home on 29 December. Rijal was declared dead upon

arrival at the hospital in Birgunj. JTMM (Rajan Mukti) claimed responsibility for the killing. Police arrested Rijal's step-brother Narayan Rijal in connection with the murder. Tarai Comando Force cadres Dashain Chaudhary, 25, of Jabdi VDC-4 and Shiva Bihari Chaudhari, 27, of Haripur VDC-3, who were arrested from the incident site, admitted killing Rijal to the police.

By Abandoned Bomb

Rajani Sahani, 6, of Khairwa VDC-3 died in a socket bomb explosion at home on 20 July. Kajal Sahani, 7, Aasha Sahani, 8, and Bijaya Sahani, 45, were also injured as Rajani touched the bomb taking mistaking it for a plaything. The injured were treated at Chitwan-based Bharatpur hospital.

By Unidentified Group

As many as 13 persons were killed by unidentified group this year. Shambhu Prasad Singh, 48, of Balara VDC-8 was shot dead by an unidentified group near the election centre stationed at Gadaiya VDC Secondary School on 10 April. Singh had filed a candidacy as an independent candidate in the CA elections. Relatives of Singh filed a complaint against five men including CA member Shiva Pujan Ray of MJF, but MJF refuted the charge.

Ayub Ansari Mohammad, 24, of Baspiti VDC-3 in Mahottari district was shot dead by an unidentified group while he was having meal at a house in Chhataul VDC-8 on 19 July. Mohammad was a labourer by profession.

INJURED IN SHOOTING/EXPLOSION

By Tarai Army

As many as 11 persons were injured by Tarai Army this year. Kishun Dev Ray, 37, Ananda Bihari Shrivastav, 55, Rajendra Thakur, 40, of Musaili VDC-8, Chandrika

Table : 1

Types of Event	By Non-State							By State			
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	19	13	10	23							
Injured	19	33	5	38				1	5		5
Arrest & Torture								1	3		3
Beatings	4	4		4	1	1	1	4	11	2	13
Right to Assembly								1	3		3
Racial Discrimination	1		1	1							
Women Rights	4		6	6				1		1	1
Child Rights	2		2	2							
Abduction	15	15		15							
Total	64	65	24	89	1	1	1	8	22	3	25

Prasad Singh, 50, Devraj Kapar, 30, Ram Binay Ray, 50 and Bhikhari Pandit, 34, were injured in an explosion at the premises of Malangawa municipality-10 based Land Reforms Office on 1 June. Tarai Army cadres had detonated a cylinder bomb in the office. The injured were treated at district hospital Malangawa and Om Nursing Home in Kathmandu.

By DJP

Laxmi Gautam, 45, of Hariaun VDC-2 was seriously injured when cadres of Dalit Janajati Party hurled a petrol bomb at the truck she was travelling in on 29 February. Gautam who was in the front seat of the truck sustained an injury to her left eye as the DJP cadres hurled the bomb towards the truck at a road in Netragunj VDC-6. The DJP cadres had attacked the truck for defying the *chakkajam* called by them.

By Tarai Cobra

As many as eight persons were injured by Tarai Cobra this year. Sunil Mishra, 20, Lal Babu Sah, 72, and Sunil Mishra, 20, of Malangawa Municipality-8 were injured when a socket bomb

went off at the bus park in Malangawa municipality-9. Tarai Cobra claimed responsibility for the incident.

Babita Sah, 7, Sita Sah, 5, and Rahul Sah, 3 of Malangawa municipality-8, Nitesh Thakur, 12, of Jamuniya VDC-9, and Prawachan Thakur, 16, of Khutauna VDC-7 were injured in an explosion at Malangawa Municipality-9 on 28 December. The explosion occurred when Babita hit a black plastic bag in which the socket bomb was kept. The injured were treated at district hospital. The siblings- Babita, Sita and Rahul, received 1,500 rupees from the DAO for medical treatment.

By Unidentified Group

As many as 11 persons were injured by unidentified group this year. Bus driver Lalit Bahadur Thapa was injured when an unidentified group hurled a petrol bomb at the bus he was driving on 19 February. The group attacked the bus at a road section in Netragunj VDC-6 along the Mahendra Highway.

Rabi Bahadur Khadka, 70, of Hariaun VDC-9 was shot and injured by an unidentified group on 18 July. He was treated in Birgunj.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM			By JTMM-J			By TA			By TCF		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing				1	1	1				1	1	1
Injured	2	4	4				2	11	11			
Child Rights												
Abduction												
Total	2	4	4	1	1	1	2	11	11	1	1	1

By Abandoned Bomb

Ajay Mandal, 10, of Dumariya VDC-2 was seriously injured when a socket bomb he had brought home went off on 13 September. He had found the bomb beside a lake near his home. The child was immediately taken to Majorgunj, India for treatment.

JAIL AND DETAINEES

The 'C' grade District Jail has the capacity for 75 male and 25 female inmates. By the end of the year, there were 55 convicts including one female convict, and 66 male and two female detainees. Facilities of TV, newspapers, radio and sports goods are provided to the inmates. A library has been established for the inmates. They are taken to district hospital and other medical facilities for treatment. The prison building destroyed in Maoist attack on 6 April 2006 was under construction.

DISAPPEARANCE/ABDUCTION**By YCL**

Mohan Singh Waiba, 30, of Narayankhola VDC-6 was abducted by YCL cadres from home on 5 September for holding different political beliefs. Youth Force cadres released him from the same place two days later.

By JTMM-G

Ranjit Khadka, 40, of Murtiya VDC-7

was beaten and abducted by JTMM-G cadres from home on 26 February. He was released three days later from Gair Bazaar in Kabilasi VDC. JTMM-G said that he was abducted for investigation regarding the encroachment of land belonging to school by him. Khadka said that the group had abducted his father along with him demanding ransom, but released him on the way.

By MMT

UML cadre Shankar Sah Teli, 45, of Sisout VDC-4 was abducted by MMT cadres from home on 6 March. The group also looted property worth Rs 50,000 from his house and fired in the air. A former chairman, Teli was released from a neighbouring place in India on 16 March.

By Unidentified Group

As many as 11 persons were abducted by unidentified group this year. Ram Chavilal Sah, 45, of Narayanpur VDC-3 was abducted by an unidentified group from home on 3 March. He was released two days later. He declined to make any comment regarding the abduction.

Nagendra Sah, 40, of Harkathawa VDC-9 was abducted by an unidentified group from home on 14 August. Police rescued Sah from Dharmapura VDC in Rautahat on 19 August.

Table : 3
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By TC				By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	2	6	2	8	9	6	7	13
Injured					9	10	1	11
Child Rights					1		1	1
Abduction					11	11		11
Total	2	6	2	8	30	27	9	36

complaint at the area police office the next day.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

CA election candidate from Dalit Janajati Party Raja Ram Paswan, 35, a resident of Netragunj VDC-2 was beaten

by TMDP cadres on 10 April. Paswan said that TMDP cadres at Haripurwa polling centre in Sundarpur Choharwa VDC beat him when he went there after learning about their booth capture. He was treated at Barahathawa health post. Protesting at the incident, cadres of Dalit Janajati Party vandalized the Barahathawa market.

RIGHT TO PROMPT AND FAIR TRIAL

609 civil and criminal cases were brought forward from the last year in the district court. Similarly, 1200 civil and criminal cases were filed this year. Of which 963 cases were decided and 846 cases remained undecided by the end of this year.

743 out of 1392 civil cases were decided this year while 220 out of 417 criminal cases were decided this year.

CHILD RIGHTS

Aawadhesh Ray, 13, of Mahinathpur VDC-6 was abducted by an unidentified group on 26 May. The child was released from Dumariya VDC-4 in Rautahat district on 4 June.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Chathiya Devi Chamain, 40, of Parsa VDC-3 was beaten by Kailas Mahara Chamar, Aautar Mahar Chamar, Anandi

THREATS/BEATINGS

By State

As many as 13 persons were threatened by State this year. Raj Kumar Bohara, Singha Bahadur, Sanju Panta and Rakesh Lama were beaten up by police inspector Sudarshan Neupane deputed at Sundarpur Choharwa Base Camp on 22 February who accused them of being robbers. The victims were members of Guransh Community Forest Users Group Dhungrekhol, and all three were beaten while they were on their way to guard the forest. Federation of Community Forest Users Group demanded action against the police officer and organised a press conference.

By Maoists

Ram Hridaya Mahato, 30, of Hajariya VDC-9 was severely injured when Maoist cadres beat him up on 25 June accusing him of misbehaving with a woman. Maoist cadres including Rakesh Sah, Pragash Mahato and Badri Ray thrashed him after taking him to Maoist village committee office in Hajariya. Mahato sustained injuries to the head and all over the body. He was treated at the primary health post Barahathawa. Maoist cadres had called Mahato and his father after they filed a complaint at the Maoists' party office. No action was taken against the Maoist cadres, although Mahato filed a

Devi Chamar and Sita Devi Chamain of the same place on 8 August on the charge of being a witch. The victim filed a complaint against the four, but no action was taken against them.

A 33-year-old woman of Haripurwa VDC-7 filed a complaint against Indul Musahar, 35, and Chalittar Musahar of Dhankoul VDC-1 on 15 September saying that they had gang-raped her while she was returning home after grazing cattle. No action was taken against the two since they had fled the village.

Sukumari Bot, 34, of Karmaiya VDC-3 was gang raped and later killed by an unidentified group on 9 October

ALL KINDS OF RACIAL DISCRIMINATION

Bimala Pariyaar, 22, of Murtiya VDC-1 was beaten and garlanded with shoes by Krishna Maya Gurung, Urmila Shahi, Maya Mikchan, Usha Gurung, Durga Shrestha and Dipan Maya Tamang of the same place on 1 December. The attackers accused her of helping her brother to elope with a girl of 'upper caste'. They also took her around the village after garlanding her with shoes. Police arrested the perpetrators after the victim filed a complaint at the District Police Office Malangawa on 8 December. The perpetrators, who were charged under the Public Offence Act, were released on bail on 11 December.



2.4

Sindhuli



Population : 333,816

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 2,491

Number of VDC(s)/Municipality(ies) : 53/1

Number of School(s) : 494/15

Campus(es)/Higher Secondary School(s) : 3/20

Hospital(s)/Health Post(s) : 1/55

Human Development Index : 0.469

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION By Abandoned Bomb

Kishan Lal Adhikari, 11, of Tandi VDC-2 was injured in a bomb explosion on 1 March. The child was injured when he hit the pipe bomb with a stone after finding it in a market near the village. A local, Dambar Karki, informed INSEC that the child's left palm and fingers were shattered by the explosion. He also sustained an injury to his left leg. The child was taken to the district hospital after initial treatment at a local health post.

JAIL AND DETAINEES

The District Jail of Sindhuli has the capacity to accommodate 25 inmates. However, 70 inmates were detained in the jail by the end of this year. Of whom,



Table : 1

Types of Event	By Non-State								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	6	5	1	6							
Injured	4	14		14							
Arrest & Torture									1	1	1
Beatings	7	8	2	10	3	4	1	5			
Threats	2	1	1	2							
Racial Discrimination	2	2		2							
Women Rights	27		27	27							
Child Rights	3		3	3							
Economic, Social and Cultural Rights	1	1	1	2							
Inhuman Behaviour	1	1		1							
Abduction					2	1	1	2			
Total	53	32	35	67	5	5	2	7	1	1	1

three women and 29 men were convicted whereas a woman and 40 men were accused.

The dilapidated building of District Jail seeps from the roof. The inmates find it hard to sleep during the night due to lack of space. Leader of the inmates Ganesh Ghimire said that they had to queue for a long time to use the drinking water and toilet. The inmates commented that the medical facility provided in the jail is not adequate. They are only provided with basic medicines. A library has been set up in the jail with the support of ICRC.

THREATS/BEATINGS

By Maoists

As many as five persons were injured by Maoists this year. Lok Bahadur Bishwakarma of Ranibas VDC-4 was beaten by Maoists combatants of the same VDC-based Solu Salleri Brigade on 26 March on charge of campaigning against the Maoists in the CA elections. UML district vice-secretary Khadga Chettri said that they also accused him of not supporting Maoists.

By NC

Maoists cadre Tirtha Bahadur Thapa of Jhangajholi Ratmata VDC-7 was beaten by Nepali Congress cadres while he was heading to Kathmandu on 6 April. The NC cadres beat him accusing him of being involved in the beating of NC cadres at Kotgaun the same day. They handed over Thapa to police after bringing him to Ratmata. Thapa was taken to Kathmandu in a helicopter the same day.

By UML

As many as seven persons were injured by UML this year. YCL cadres Bhaktinath Bastola of Sirthouli VDC-4 was beaten by UML cadres at the polling centre stationed at a primary school Pancharukhi on 10 April on charge of carrying a home-made pistol.

ARBITRARY ARREST

Barna Bahadur Bishwakarma, 33, of Hatpate VDC-7 was arrested by area police office Dakaha on 15 August on charge of beating a local woman. Bishwakarma was given an arrest warrant only three days later and sent to district

police Sindhuli on 18 August. He was released on bail the same day after initiations were taken by different political parties, INSEC representative and Dalit Sewa Sangh. Police informed INSEC that they had held him for his own security. Bishwakarma was arrested following a complaint from the mother of a Maoists 'martyr' Keshab Bishwakarma.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

The CA elections campaign team for NC was attacked by Maoist cadres at Kotgaun in Jhangajholi Raatmataa VDC-7 on 6 April. Seven NC cadres including Balaram Acharya of ward no. 2 of same VDC was injured in the Maoists attack. The injured were airlifted to Kathmandu for treatment.

RIGHT TO PROMPT AND FAIR TRIAL

20 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Similarly, 16 criminal cases, where the individual is plaintiff, were filed this year. Among the total 36 criminal cases, where the individual is plaintiff, 29 cases remained undecided by the end of this year.

13 criminal cases were brought forward from the last year. Similarly, 16 criminal cases were filed this year. Among the total 29 criminal cases, 23 cases remained undecided by the end of this year.

27 civil cases were brought forward from the last year. Similarly, 14 civil cases were filed this year. Among the total 41 civil cases, 31 cases remained undecided by the end of this year.

Among the total 106 cases including criminal case, where the individual is

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Injured	1	7	7	1	6	6
Beatings	2	2	2	1	3	3
Total	3	9	9	2	9	9

plaintiff, criminal case and civil case, 83 cases remained undecided by the end of this year.

There is a criminal case, where the individual is plaintiff, and a civil case that have not been decided for two years.

CHILD RIGHTS

A 16-year-old girl of Kamalamai municipality-2 was raped by Madan Bahadur Waiba, 41, of the same place while she had gone to observe the *Deusi Bhailo* celebrations in the Tihar festival on 4 November. Police said the perpetrator, who had also gone with the girl to observe the festivities, forcibly took her towards a jungle and raped her. The victim was a tenth grader at the local Barandevi secondary school. The perpetrator was remanded in custody on 26 November following the District Court's order.

Kancha Bishwakarma, 3, of Mahadevsthan VDC-3 died after his step-mother Fulmaya Bishwakarma, 30, beat him for annoying her while she was having a meal on 23 December. Police informed INSEC that the child died due to excessive bleeding from nose and face as he was pushed into a pillar by Fulmaya. Police arrested Fulmaya for further investigation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Uma Pokharel, 21, of Hatpate VDC-6 was repeatedly accused of



practicing witchcraft by her husband Kapil Kafle and mother-in-law Tulasa Kafle. Unable to cope with the Tulasa's inhuman behaviour towards her, Uma left for her maternal home on 19 April. Locals said that Tulasa accused her daughter-in-law Uma of chanting spells on villagers who fell ill. A local journalist Rekhraj Dahal said that Tulasa fell unconscious when Uma's relatives tried to black paint the face of Tulasa on 27 May. He informed INSEC that Uma's husband apologised for his behaviour towards Uma and that Uma had been staying in her maternal home.

Dor Bahadur Karki, 18, alias Santosh of Kamalamai municipality-4 attempted to rape a 21-year-old woman of the same place while she went to cut grass in the Devasthan jungle on 28 July. Karki has been sent to jail following the court's order on 12 August.

Domestic Violence

Muna Tamang, 24, of Amale VDC-3 was expelled from home by her father-in-law Prem Bahadur Bomjan and brother-in-law Nima Tamang on 2 November. Muna said that her in-laws denied her husband's property to her after he became mentally ill while working as a policeman. She added that they refused to sign for her citizenship and birth registrations of her children. Although Muna filed a complaint at a community service centre requesting assistance in gaining her property share on 6 November, the centre informed INSEC that its effort settle the matter failed.

Polygamy

Karna Bahadur Moktan, 27, of Bhimsthan VDC-7 married a woman of Kamalamai municipality-7 on 25 May despite already having a wife at home. The first wife of Moktan Meena Tamang said that he married his second wife after taking her to her maternal home. Moktan, who was working abroad for three years,

remarried a when he came back. Meena had filed a complaint against her husband at a community service centre on 1 June seeking action against him, but the centre informed INSEC that the case couldn't go further as Moktan did not reported when called for discussion.



2.5 Ramechhap



Population : 234,046

Literacy(%) : 55

Women Literacy(%) : 30

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 55/0

Number of School(s) : 411/5

Campus(es)/Higher Secondary School(s) : 2/10

Hospital(s)/Health Post(s) : 3/53

Human Development Index : 0.434

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION

As many as two people were injured in shooting/explosion this year. Sita Majhi, 40, and Sukmaya Majhi, 45, of Manthali VDC-5 of Manthali VDC-5 were injured in a mine explosion at Mandthali VDC-6 based Narayanit Dal Battalion of Nepal Army on 4 June. The lower part of Sita's

Table : 1

Types of Event	By Non-State								By State			
	By Others				By Maoists							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	2	1	1	2								
Injured					2	4		4	1		2	2
Arrest & Torture									1	1		1
Beatings	11	15	2	17	23	46	11	57				
Threats	10	16	1	17	22	31	3	34				
Right to Assembly	2	4		4	11	21		21				
Racial Discrimination	3	1	4	5								
Women Rights	6		9	9	1		1	1				
Child Rights	6	1	5	6					1	4		4
Economic, Social and Cultural Rights	4	4		4	2	3		3	1	1		1
Abduction	4	14	3	17	4	10		10				
Total	48	56	25	81	65	115	15	130	4	6	2	8

left leg was mutilated in the explosion while Sita was hit by shrapnel in the face. The explosion happened as Majhi entered the restricted zone of the army area fenced with barbed wires to cut grass. Sita was airlifted to Kathmandu in an army chopper and Sukmaya was taken to Kathmandu by ambulance.

JAIL AND DETAINEES

There are four accused and 40 convicted inmates in the jail at the end of the year. Among them, one accused and three convicted inmates are women. The inmates demanded more toilets in the jail. There is a need to build another building due to the dilapidated condition of the jail.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as 10 persons were abducted by Maoists this year. 12 UML cadres, including Dharma Bahadur Khatri, 28, Udaya Khatri, 30, Raju Khatri of Pakarbas VDC-9; Shambhu Karki, Hari Karki of ward no. 6; Bishnu Shrestha of ward no. 7 were abducted by Maoists

cadres from their homes on 29 March. Accusing them of actively participating in the election assembly organized by UML in Pakarbas VDC on 28 April, the Maoists cadres surrounded their homes from early mornings and abducted them. A team of APF released them the same evening from the YCL office in the same VDC.

By YCL

As many as 16 persons were abducted by YCL this year. UML Pakarbas VDC secretary Tulsi Das Shrestha, 36, of Pakarbas VDC-6 was abducted by YCL cadres from home on 18 January on the charge of inciting people against the Maoists. Although police rescued him from Sathimure in Bhatauli VDC the same evening, YCL cadres held him until the next morning. Shrestha was also beaten in YCL captivity. No action was taken against the YCL cadres.

THREATS/BEATINGS

By Maoists

As many as 91 persons were threatened/beaten by Maoists this year. INSEC Ramechhap district representative

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	UML			YCL					Unidentified		
	No. of Events	Male	Total	No. of Events	Male	Female	N/A M/F	Total	No. of Events	Female	Total
Killing									1	1	1
Beatings	2	2	2	8	12	1		13			
Threats				6	8			8			
Right to Assembly				2	4			4			
Economic, Social and Cultural Rights				3	3			3			
Abduction				3	14	2		16			
Total	2	2	2	22	41	3		44	1	1	1

Nawaraj Pathik, also editor of the local New Nayan Weekly, was threatened by Maoists cadre Bimal Dhungel on 4 March. Dhungel threatened Pathik, 35, at Manthali Bazaar that he would break his leg for publishing a news item www.inseconline.org regarding the Maoists' taking money from businessmen to file a tender form. New Nayan Weekly had also published an editorial on the same news. Maoist district in-charge Rajan Dahal also threatened to break the back of Pathik over the same issue. Maoists-affiliated Jana Pushpa weekly had published the news of Dahal's threat to Pathik and a local journalist Badri Nayaghare.

CA election candidate from UML Dev Shankar Poudel, district committee member Chitra Karki, Shanti Prasad Poudel, Kul Bahadur Darji, ANNFSU district chairman Dipak Karki, vice-chairman Manoj Karki, UML cadres raju Karki, Bikram Sunuwar, Umesh Poudel and Padam Khatri were injured when Maoist cadres attacked them at Priti VDC-2 on 12 March. UML said Maoist cadres led by Nikash attacked the election campaign team of UML and also looted cash and campaign materials. Eight injured victims were airlifted to Teaching Hospital

Kathmandu for treatment while the rest were taken there by ambulance.

By YCL

As many as 21 persons were threatened/beaten by YCL this year. Coordinator of National Election Monitoring Alliance (NEMA) Ramechhap Gyan Bahadur Khadka, 45, of Namadi VDC-5 and a teacher Dor Bahadur Khadka, 46, of ward no. 4 were seriously injured when a group led by Maoists district member Madan and YCL district in-charge Prem Karki alias Sewak beat them at home on 5 April, accusing them of campaigning for UML. Both injured were airlifted to Kathmandu in a helicopter. UML cadre Raj Kumar Khadka of ward no. 6 was also beaten by Maoist cadres the same day. All of the injured have returned to the district after their treatment.

By UML

As many as two persons were threatened/beaten by UML cadres this year. Maoists cadre Keshav Kandel, 30, of Tokarpur VDC-1 was injured when UML cadres attacked him at Tokarpur VDC-4 on 9 April. UML cadres attacked him after a dispute erupted between the UML team which was heading towards Tokarpur from

Singarche and Kandel. Injured Kandel was airlifted to Kathmandu for treatment.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Treasurer of NC Krishna Mahat, NC cadres including Tikaram Lama were made to return from Pipaldip in Nagdaha VDC-7 by Maoist cadres on 18 March as they were heading towards Dhobi Bazaar in Bijulikot VDC to participate in an NC election programme. Although NC district leaders had previously discussed with the Maoist leaders who agreed to allow them to participate in the NC programme. The Maoist cadres, who were holding lathis, replied that the area was their base and they would not allow the NC cadres to enter despite chairman Prachanda's order.

CA election candidate Dhawa Lama was barred from entering Nigalpani in Majhuwa VDC-7 when he arrived there along with his campaigning team on 20 April. Maoist cadres had threatened all parties not to campaign inside the village.

RIGHT TO PROMPT AND FAIR TRIAL

48 criminal cases were brought forward from the last year in the district court. 38 criminal cases were filed this year. Of which 25 cases were decided and 61 cases remained undecided by the end of this year.

55 civil cases were brought forward from the last year. 30 civil cases were filed this year. Of which, 9 cases were decided and 76 cases remained undecided.

CHILD RIGHTS

A 12-year-old girl of Priti VDC-3 was raped by Aaite Sunuwar, 49, of ward no. 2 of same VDC on 8 August. According to police, Sunuwar had raped the girl

while she was walking alone on the road. Area Police Office Priti arrested Sunuwar the same day and sent him to the DPO Ramechhap. Sunuwar was in the custody of DPO by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

China Devi Khadka, 80, of Gelu VDC-2 was beaten by Bharat Karki of the same place on 11 November on charge of practising witchcraft. Khadka said that the inebriated Karki dragged her by the hair accusing her of making his wife ill. Karki had also attacked her with a metal water container and had punched and kicked her. She sustained blue marks all over her body. Police informed INSEC that they had initiated an investigation after the victim filed a complaint on 14 November.

Trafficking

Locals nabbed Sita Nepali, a resident of Ghoksila, Sindhuli, from Sunarpaani VDC on 17 October on charge of trafficking two women from Sunarpaani VDC. The two women had informed their parents that Nepali was luring them with the promise of jobs. Maoists took statements from Nepali at their office in Manthali. The locals defied the Maoists' decision after it gave the verdict that the two women who were lured should also be punished. They then handed over Nepali to the DPO the same evening. Police released Nepali two days later after taking her statement.

Domestic Violence

Mira Basnet, 28, of Saalu VDC-1 was severely beaten by her husband Rajendra Basnet, 33, on 18 September. Rajendra, who frequently beat her, bashed her in the face and other parts of the body that day. He finally stopped after she fell

unconscious. Mira's family brought her to district headquarters based Tamakoshi Community Hospital the next day for treatment. Mira sustained blue marks all over her body and she was unable to move her neck for days.

Polygamy

District secretary of All Nepal Teacher's Association-Revolutionary (ANTA-R) Bed Bahadur Shrestha, 34, married Gita Shrestha, 21, on 10 May despite already having a wife and children. Although Maoists stated that they were being held at a Maoist cantonment, the couple was seen frequently in the district. The locals placed an embargo on the couple stating that Bed Bahadur had married Gita, who is actually his niece.

ALL KINDS OF RACIAL DISCRIMINATION

Maina Tamang, 30, Fulmaya Tamang, Gunja Bahadur Tamang of Bijulikot VDC-6; Sangmaya Tamang, 45, Shakuntala Tamang, 53, Nima Tamang, 33, Sangmala Tamang, 57, of ward no. 9 were injured when a group of Maoist cadres Gopal Raj Tamang, Man Bahadur Tamang and YCL cadres Hiralal Tamang of the same VDC beat them after a dispute over untouchability. A local womens group had protested against the Maoists after they allowed the group belonging to Damai community who had come to beat drums in the marriage of local man Ambar Bahadur Tamang's daughter to enter inside his house. Locals and people from the groom's side had returned without eating meals following Maoist's behaviour. Maoists had in turn attacked the women. Among the injured, Maina was treated at Manthali-based primary health post. Her husband Singh Bahadur informed INSEC that she had sustained an injury to the right palm of her hand after YCL cadre Hiralal attacked her with knife.

Two Maoists cadres were also injured in the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Building constructors were not allowed to register their tender forms in the Manthali city development committee office on 29 February after YCL cadres picketed the office. The office had asked for tender forms from various constructors in order to construct a commercial building in Manthali Bazaar Rs 10 m. The final date to submit the tender forms was 29 February. YCL cadres picketed the office from 27 February during office hours. Constructors who had already filed their tenders were made to take back their forms.

2.6 Dolakha



Population : 232,797

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 2,191

Number of VDC(s)/Municipality(ies) : 51/1

Number of School(s) : 376/12

Campus(es)/Higher Secondary School(s) : 3/10

Hospital(s)/Health Post(s) : 1/54

Human Development Index : 0.450

Average Household Size : 6

Types of Event	By Non-State							
	By Others					By Maoists		
	No. of Events	Male	Female	N/A M/F	Total	No. of Events	Male	Total
Killing	6	3	3		6			
Injured	3	3			3	2	3	3
Beatings	10	11	3		14	5	6	6
Right to Assembly						1	4	4
Women Rights	7		7		7			
Child Rights	2		1	1	2			
Inhuman Behaviour	1		1		1			
Total	29	17	15	1	33	8	13	13

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The District Jail of Dolakha has the capacity to detain 35 inmates. It contained 23 accused men and two convicted women and six convicted men at the end of the year. Facilities of radio, television, newspapers and indoor sports were provided to the inmates.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Jagat Subedi, 34, and Kamal Prasad Subedi, 40, of Bhimeshwor municipality-3 were injured when Maoists cadres Krishna Bahadur Thami, 21, Ram Chandra Thami, 23, Devendra Thami, 17, and Surendra Thami, 17, of the same VDC attacked them with stones on 26 April as they were campaigning for elections. The injured were treated at local health posts.

RIGHT TO PROMPT AND FAIR TRIAL

43 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 13 cases were decided this year and 30 cases remained undecided. Similarly,

29 criminal cases, where the individual is plaintiff, were filed this year. Of which 6 cases were decided this year and 23 cases remained undecided.

15 criminal cases were brought forward from the last year. Of which 6 cases were decided this year and 9 cases remained undecided. Similarly, 16 criminal cases were filed this year. Of which three cases were decided and 13 cases remained undecided.

68 civil cases were brought forward from the last year. Of which, 14 cases were decided this year and 54 cases remained undecided. Similarly, 49 civil cases were filed this year. Of which, four were decided and 45 remained undecided by the end of this year.

CHILD RIGHTS

Indira Nepali, 18, of Jiri VDC-9 dumped her infant child in a jungle near her home on 30 September. Nepali was remanded to jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 21-year-old woman of Maagapouwa VDC-5 was expelled from

her village by Pradip Shrestha, 36, Yumin Shrestha, 27, and Purna Bahadur Shrestha, 29, of the same place on 29 March. They shaved her hair after alleging that she was having a sexual relationship with a businessman who had taken shelter in her house. A compromise was made between the two sides at the DPO after the men admitted that they were at fault and promised not to repeat such action.

A hearing impaired woman of Jhule VDC-3, a permanent resident of Padampokhari VDC-9 in Makwanpur district, was raped by Ganga Bahadur Karki, 35, of the same place on 18 July. Sharmila Thapa of HURADEC Nepal filed a case against Karki on the victim's behalf. Karki was released following the District Court's order.

Domestic Violence

Fatika Laxmi Shivakoti, 52, of Sunkhani VDC-9 was injured after her brother-in-law Haribansa Shivakoti, 44, of the same place attacked her with a *khukuri* on 5 November on property dispute. Haribansa chopped her finger off with a *khukuri* when she went to visit him after hearing that he had fallen ill.

Polygamy

Shailendra Joshi, 39, of Bhimeshwar municipality-2 married Nisha Raj Bhandari of same VDC on 10 August despite already having a wife at home. His first wife Sushila Joshi, 34, filed a complaint of polygamy against him. Shailendra was released on bail after depositing Rs 17,000.

2.7 Rautahut



Population : 677,261

Literacy(%) : 40

Women Literacy(%) : 25

Area(Sq. Km.) : 1,126

Number of VDC(s)/Municipality(ies) : 96/1

Number of School(s) : 299/20

Campus(es)/Higher Secondary School(s) : 3/7

Hospital(s)/Health Post(s) : 1/97

Human Development Index : 0.409

Average Household Size : 6.89

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as two persons were killed by State this year. Central chairman of Tarai Army Koushal Kumar Sahani alias Mister John, 30, of and Mahanta Sahani, 27, Raghunathpur VDC-1 were shot dead by police on 30 August. Police said that the two were killed in crossfire. The police suffered no casualties in the incident. A 9 mm rifle, a home-made pistol, eight rounds of bullets, a mobile and a diary were recovered from the deceased. Police said that the two died when they clashed with a police team at a culvert in the road between Raghunathpur and Jingadiya VDC. The police team was deployed to nab

Table : 1

Types of Event	By Non-state								By State				
	By Others				By Maoists								
	No. of Victims	Male	Female	Total	No. of Victims	Male	Female	Total	No. of Victims	Male	Female	M/F N/A	Total
Killing	14	15	4	19					1	2			2
Injured	18	33	10	43					2	2			2
Arrest & Torture									3	14			14
Beatings					1	1		1	2	4	1		5
Threats					2	1	1	2	1	7	3	14	24
Right to Assembly									2	3		23	26
Women Rights	7		7	7									
Child Rights	4		4	4									
Economic, Social and Cultural Rights	2	2		2									
Inhuman Behaviour	1	2		2									
Abduction	10	14		14									
Total	56	66	25	91	3	2	1	3	11	32	4	37	73

the Tarai Army cadres who had shot and injured Rampriti Sahani of Ragunathpur VDC-1 on 29 August.

By JTMM-J

As many as two persons were killed by JTMM-J this year. No. 4 Military commander of JTMM-J Sri Bhagwan Sah, 32, of Samanpur VDC-6 was shot dead by JTMM-J cadres at the banks of Bagmati River in Pipara Rajwada VDC on 16 March. The JTMM-J cadres had abducted Sah from his home before killing him. Marks of attacks by sharp weapons were also seen on his body. The deceased's body was handed over to his family after post-mortem.

By Tarai Army

As many as five persons were killed by Tarai Army this year. Sanu Mangal Rai, 50, of Sindhuli and Liladevi Kayastha, 65, of Motihari, India died when cadres of the Tarai Army detonated a bomb at the Buspark in Chandranigahapur on 14 June in the evening. Fourteen persons, including four children, were injured in the blast. Roshan Kumar Chaudhary, Ram Kumar

Chaudhary, Asmita Kumari Chaudhary, Munna Kumari Jayaswal, Ban Lumar Chaudhary of Dhanusha; Devi Budathoki, Rekha Baral of Sarlahi; Gyan Bikram BK, 28, of Pourai VDC-1, Daroga Prasad Sah of Patoura VDC and Chandra Prasad Poudel, 30, of Chandranigahapur VDC-4 were among the injured. The injured were taken to Narayani sub-regional hospital Birgunj for treatment after receiving initial treatment at the Chandranigahapur-based primary health post. Chandra Prasad Poudel was sent to Kathmandu for further treatment.

By Tarai Cobra

Dhawal Ray Yadav, 9, of Gaur municipality-2 died when cadres of Tarai Cobra detonated a socket bomb in the Rice Mill area in Gaur municipality-5 on 21 November in the evening. Dhawal's brother Bir Bahadur Ray Yadav, 22, and Swastika Singh, 17, of Gaur municipality-5 were also injured in the blast. Tarai Army had detonated the bomb at the area while a week-long festival was being concluded. The injured were treated at Gaur hospital.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-J				By PA			By TA			
	No. of Victims	Male	Female	Total	No. of Victims	Male	Total	No. of Victims	Male	Female	Total
Killing	2	2		2				2	2	3	5
Injured								6	16	5	21
Women Rights	1		1	1							
Economic, Social and Cultural Rights	1	1		1							
Abduction	4	6		6	2	4	4				
Total	8	9	1	10	2	4	4	8	18	8	26

By Unidentified Group

As many as seven persons were killed by unidentified group this year. Area no. 5 secretary of JTMM-J Khaheeru Dewan, 30, of Laxmipur VDC-1 was shot dead by an unidentified group in a jungle in Kanakpur VDC-5 on 26 September. Dewan was shot in the head. His body was handed over to his family after post-mortem at primary health centre Chandranigahapur.

By Own Bomb

Trilok Pratap Singh alias Pintu Singh, 22 of Saruatha VDC-2, Oosi Akhtar Miya Kawari, 23, of ward no. 9 of the same VDC and an Indian national whose identity was unknown died in an explosion while they were making bombs on 9 April in the night. The explosion occurred when NC district chairman and CA candidate of area no. 2 (CA member now) Mahammad Aftab Aalam hired the three men to make bombs at his house in Farhadawa VDC-4 with the intention of capturing booths in the CA election. Although local witnesses and election candidates of other political parties said that many people were injured in the incident. They claimed that the injured were burnt alive in a brick kiln near the village. Police took no action and claimed that the explosion had not occurred. Although Narayan Singh, father

of Trilok, and Ruksana Khatun, mother of Oosi Akhtar tried to file a complaint against four persons including Aalam, the DPO Rautahat refused to lodge the complaint. OHCHR, NHRC and INSEC had published reports after conducting separate fact finding missions in the incident site. The government lawyer's office Rautahat decided not to proceed further with the case citing lack of evidence even though a complaint was filed at the police office on 30 April at the initiation of human rights organizations including INSEC.

INJURED IN SHOOTING/EXPLOSION**By State**

As many as two persons were injured by State this year. Dipak Mainali, 24, of Judibela VDC-3 was shot and injured by police at Chandranigahapur on 14 October. Police resorted to firing to quell the protest organized by locals against the killing of three persons in the blast caused by Tarai Army and Rastriya Tarai Mukti Sena. Mainali was treated at Narayani Sub-regional hospital in Birgunj after receiving initial treatment at a primary health centre Chandranigahapur.

By Tarai Army

As many as 21 persons were injured by JTMM-J this year. Khem

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By TC				By Unidentified Group			
	No. of Victims	Male	Female	Total	No. of Victims	Male	Female	Total
Killing	1	1		1	5	7		7
Injured	1	1	1	2	7	13	3	16
Women Rights								
Economic, Social Rights and Cultural Rights					1	1		1
Abduction					3	3		3
Total	2	2	1	3	16	24	3	27

Chandra Khandewal, 70, Pawan Kumar, 30, Pramod Karna of Gaur municipality-1 and Parwati Devi, 40, of ward no. 4 of the same municipality were injured when cadres of Tarai Army detonated a socket bomb on 14 May. The bomb went off about 10 minutes after unidentified men left a bag at Rajesh medicine shop in Gaur municipality-1. Among the injured, Khandewal was treated in Birgunj while the rest were treated at Gaur hospital.

By Unidentified Group

As many as 16 persons were injured by unidentified group this year. Jhapasiya Kurmini, 60, Meera Kumari Patel, 10, Samariya Devi Patel of Laukaha VDC-2 and Ram Babu Sah, 37, of Rajpur Farhadawa VDC were injured when an unidentified group shot at them on 30 March. The group of around seven armed men opened fire at them while they were sleeping at their home. Jhapasiya was treated at Narayani Sub-regional Hospital and the rest were treated at Gaur Hospital.

JAIL AND DETAINEES

The "C" grade District Jail has the capacity for 75 inmates. However, there were 95 male and three female inmates at the end of the year. There were also two child dependents. Among them, two

females and 37 males were convicts, and one female and 58 males were detainees.

Jailor Mahendra Das said that two children staying with their mother Krishna Devi Mahato since 3 November in the jail were provided with clothes and an allowance following an order from the District Court.

DISAPPEARANCE/ ABDUCTION

By JTMM-J

As many as six persons were abducted by JTMM-J this year. Krishna Bahadur Thapa, 55, of Chandranigahapur VDC-1 was abducted by JTMM-J cadres on 18 March. The JTMM-J cadres, who came on three motorbikes, abducted Thapa along with his motorbike from his brick kiln at Balchanpur in Dumariya Matiaun VDC-4. Thapa said that he was released from Harsaha in Sakhuwa Dhamaura VDC-7 on 21 March after paying a ransom of Rs 200,000. The JTMM-J cadres had demanded Rs 500,000 for his release.

By NPA

As many as four persons were abducted by the People's Army this year. Forest guards at the District Forest Office Rautahat Thagu Mahara, Surendra Prasad Gupta and Nabin Chaudhary were abducted by cadres of Nepal People's

Army on 13 August. Around 12 cadres of the group abducted them while they were guarding the forest in Gaidatar Range post. They were released three days later from Gaidatar area in the presence of local journalists.

By JTMM-Kishan Singh

Cadres of Kishan Singh-led JTMM abducted the secretary of Dipahi VDC and Jayanagar VDC Bishwanath Prasad Sah, 45, a resident of Dipahi VDC-4, from his home on 30 April on charge of embezzling the VDC fund. Sah was released from Harsaha, Dhamaura VDC-7 on 4 May.

By Unidentified Group

As many as three persons were abducted by unidentified group this year. Dewan Thakur Lohar, 70, of Sonarniya VDC-1, was abducted by an unidentified group from home on 13 February night. He was released at an undisclosed location the next day.

THREATS/BEATINGS

By State

As many as 29 persons were threatened/beaten by State this year. Rautahat reporter of Communication Corner Madan Thakur, 28, of Sangrampur VDC-4, reporter of local Narayani weekly Arun Kumar Yadav, 34, of Pipariya Dostiya VDC-6, reporter of Tarai Kranti weekly Dinesh Dehati, 25, of Mithuawa VDC and a reporter of Crime Care weekly Ramgari Mukhiya, 28, of Gehadi Guthi VDC were injured when police lathi-charged them at Garuda bazaar on 26 February. The journalists said that police beat them even although they showed their identity cards. The journalists were covering the news of clash between the cadres of SLMM and the police. The police beating left Thakur with a broken hand while Mukhiya needed 12

stitches in his head. Police said that the journalists were injured since they could not be separated from the protestors.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Gopal Phuyal, 27, and Bishnu Prasad Phuyal, 30, of Chandranigahapur VDC-3 were beaten and threatened by Maoist cadres led by Buddhi Prasad Timalisina of the same place on 25 March on charge of campaigning for UML. Around 10 Maoists cadres showed black flags to the CA election candidate of constituency no. 6 and UML general secretary Madhav Kumar Nepal while he was conducting a door-to-door campaign in the VDC. The Phuyal duo were beaten by Maoist cadres and threatened not to campaign for UML after they protested the Maoists act. Police arrested Timalisina the same day but released him later in the evening.

RIGHT TO PROMPT AND FAIR TRIAL

1,033 cases were brought forward from the last year in the district court. 735 cases were filed this year. Out of the total cases brought forward from last year and filed this year, 344 were criminal cases, where the individual is plaintiff, 90 were criminal cases and 1334 were civil cases.

266 criminal cases, where the individual is plaintiff, 74 criminal cases and 971 civil cases remained pending at the end of the year.

There are 10 criminal cases, where the individual is plaintiff, 2 criminal cases and 29 civil cases awaiting decision for more than two years.

CHILD RIGHTS

Babita Kumari Yadav, 13, of Karchowa VDC-8, Bara was killed after

being raped by Tapasi Sah Kanu, 32, of the same place at the banks of Lalbakaiya River in Kanakpur VDC on 3 February. The girl's father said that Kanu took her in his bicycle from a fair in Shivanagar saying that he would drop her home. Kanu hacked the girl to death after raping her. A complaint is filed at the DPO Rautahat against Kanu, but he is still at large.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 19-year-old woman of Nijgad VDC-6, Bara was gang-raped for four days by JTMM-J cadres after being abducted on 18 February. The JTMM-J cadres released four women after molesting them the same day however this woman was not released until four days later. Around 60 JTMM-J cadres thrashed locals and looted goods from a house in Rangapur VDC-5 where a marriage was taking place at the house. The JTMM-J cadres left the women in Gamhariya VDC after noticing the police team which was deployed to search for her on 22 February. Police arrested Uma Shankar Ray Yadav of Mahamadpur VDC-6 and Gopi Raut of Gamhariya Birta VDC-3 on 28 February after the victim filed a complaint against those involved in the rape. Both perpetrators are remanded in custody.

Radhika Devi Telin, 52, of Raghunathpur VDC-5 was manhandled by her neighbours Jokhu Miya, Sarajul Miya, Merajul Miya and Reyajul Miyan on 15

June on charge of practising witchcraft. They also set Telin's house on fire. Although Telin filed a complaint at the DPO the police worked out compromise between the two sides on 25 June.

Domestic Violence

Sangita Devi Sah, 30, of Gaur municipality-3 was beaten by her husband Uday Prasad Sah and her in-laws on 22 June after she brought smaller dowry than was expected. Sangita's father-in-law Bishwanath Prasad Sah, mother-in-law Sripatidevi Sah, sister-in-law Sunita Kumar Sah, brother-in-law Bijay Kumar Sah and nephew Bibek Kumar Sah beat her after locking her inside the home. Neighbours rescued Sangita after learning about the incident two days later and handed her over to the DPO. Her four teeth were broken and she received seven stitches due to the beating. Police released her father-in-law and nephew without taking any action against them even although the neighbours had handed them over to the police.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

18 *bigahas* of land VDC belonging to Ashok Kaaji of Kathmandu was captured by JTMM-J cadres on 5 September. Area secretary of JTMM-J Mister Don said that about eight cadres captured Kaaji's land in Santapur Dostiya VDC because he had exploited people.



2.8

Bara



Population : 706,098

Literacy(%) : 46

Women Literacy(%) : 30

Area(Sq. Km.) : 1,190

Number of VDC(s)/Municipality(ies) : 89/1

Number of School(s) : 365/68

Campus(es)/Higher Secondary School(s) : 2/10

Hospital(s)/Health Post(s) : 1/98

Human Development Index : 0.309

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as five persons were killed by State this year. The Bara-Parsa coordinator of the ATNN Jitendra Tiwari alias Birat Awataar, 35, of Pipravirta VDC-1 died in a clash with police at the Pasaha bridge in Piprajabdi VDC-4 on 6 June, according to police. The deceased's family claimed that the police killed him after arrest. The final rites of Tiwari were performed by his family in his village after a post-mortem at the Kalaiya Hospital.

By JTMM-G

As many as two persons were killed by JTMM-G this year. Khagendra Limbu,

32, of Yangsila VDC-1, Morang, was shot dead by cadres of the JTMM-G at Banjariya VDC-4 on 29 March. An employee at a manpower company, Limbu died on the spot after being shot in head. His wife conducted his last rites in Hetaunda.

By JTMM-J

As many as three persons were killed by JTMM-J this year. An employee at Surya Nepal Simara, Lila Lamichhane, 40, of Dumarwana VDC-8 was shot dead by JTMM-J cadres at the Dhudhauri river in Dumarwana while he was returning home on 18 June. His body was found at around 11 pm. He was shot in his temple. Demanding action against the culprits and compensation, locals obstructed vehicular movement after laying his body on the Simara road. The last rites of Lamichhane were performed at the Dhudhauri river on 21 June after locals reached a compromise with the local administration.

By TJKP

Om Prakash Chaudhary, 26, of Narahi VDC-2, Bara, was shot dead by cadres of the Tarai Janashakti Krantikari Party after being abducted on 22 November. A worker at the Saw mill owned by Jahur Ansari in Jitpur Bhawanipur VDC-3, Chaudhary was abducted while on his lunch break. Police recovered his body, which had bullet wounds in the head and shoulder, near the Taajpur Farm in Parwanipur, Bara the next day. Prakanda of the Tarai Janashakti Krantikari Party has owned up to the incident.

By TMM

Former district coordinator of the Tarai Mukti Morcha Nagendra Pandit Kumhal alias Gourav, 51, of Rouhuwai VDC-5, was shot dead by the Tarai Mukti Mocha cadres on 29 May. He was shot in his temple. His body was found near the Pasaha river on the way to Dakshin

Jhikatiya. The family of Kumhal performed his last rites in the village on 30 May.

By JTMM-Ranbir Singh

Maoist cadre Basi Miya Ansari, 35, of Amritgunj VDC-9 was shot dead by cadres of the Ranbir Singh-led JTMM while he was buying medicine at a drug store in Bishunpur VDC-7 on 17 September. Maoists cadre halted vehicular movement in Kalaiya in protest of the murder. They called off their strike after reaching an agreement with the District Administration Office on 18 September.

By ATMM

A law professional, Jagadish Acharya, 50, of Kalaiya municipality-8 died while undergoing treatment in Kathmandu on 24 May. Acharya was severely injured when cadres of the ATMM shot him on 22 May. Acharya was taken to Kathmandu after receiving initial treatment in the Narayani Sub-regional Hospital in Birgunj. Acharya's relatives performed his final rites in Kathmandu on 25 May. The government provided Rs 1 m to Acharya's family as compensation.

By Others

As many as 10 persons were killed by others this year. A vegetable vendor, Shrawan Kumar Sah, 32, of Kalaiya municipality-6 was shot dead by an unidentified group on 31 January. Sah's body was found near the Tegrarhar river in Manaharwa VDC-6.

INJURED IN SHOOTING/EXPLOSION

By Tarai Cobra

The Principal of Panna Devi

Table : 1

Types of Event	By Non-state				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	18	17	2	19	4	5	5
Injured	15	13	7	20			
Beatings	1	1		1			
Women Rights	1		12	12			
Economic, Social and Cultural Rights	5	7		7			
Abduction	10	12		12			
Total	50	50	21	71	4	5	5

Kanya Secondary School in Kalaiya municipality-7, Nirmala Thasineku, 55, of Kalaiya municipality-9 was shot and injured by cadres of the Tarai Cobra at the school on 25 December. Thasineku was treated at the Kalaiya Hospital and the Narayani Subregional Hospital in Birgunj. She is still undergoing treatment at the Teaching hospital in Kathmandu.

By MJKP

A guard at the Pashupathi Kaththa Factory in Jitpur VDC-3, Indra Bahdur Shrestha, was injured when cadres of the Madhes Janamukti Krantikari Party detonated a socket bomb on the factory premises on the night of 24 April. Shrestha was treated at a local drug store.

By SJMM

Sanjiv Chettri, 10, of Kalaiya municipality-5 was injured when he kicked a socket bomb which was placed on a road by cadres of the Samyukta Janatantrik Mukti Morcha in Kalaiya municipality-5 on 29 January. The child sustained injuries to his leg. He was treated in Birgunj.

By TMM

Arjun Raj Puri, 6, of Pahaditol in Jitpur VDC-3 was injured when handling a



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By JTMM-J			By JTMM-G			By JTMM(Ranbir)			By TMM		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3	3	3	2	2	2	1	1	1	1	1	1
Injured										1	1	1
Beatings												
Economic, Social and Cultural Rights	1	2	2									
Abduction												
Total	4	5	5	2	2	2	1	1	1	2	2	2

sutali bomb placed there by cadres of TMM on 25 October. The child was injured by shrapnel and was treated at the Narayani Subregional Hospital in Birgunj.

By Unidentified Group

As many as 15 persons were injured by unidentified group this year. Laxmi Prasad Neupane, 45, from Haraiya VDC-6 was injured when an unidentified group shot him on 12 March. Neupane was shot in his hand and forehead. He received treatment at the Narayani subregional hospital.

By Abandoned Bomb

Dulariya Devi, 40, her daughter Manturan Kumari, 14, and her granddaughter Sunil Patel, 8, of Sisahaniya VDC-6 were injured when an abandoned bomb that they brought home exploded on 31 October. The injured returned home after receiving treatment at the Narayani Subregional Hospital in Birgunj.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

As many as 11 persons were abducted by unidentified group this year. Om Prakash Pandey, 45, and Hari Narayan Pandey, 24, of Matiarwa VDC-1 were abducted by an unidentified group of eight men from Khaliyan on 1 January. Om Prakash was released the same day

while Hari Narayan Pandey was rescued by police from the Barainiya VDC the next day.

RIGHT TO PROMPT AND FAIR TRIAL

252 criminal cases, where the individual is the plaintiff, were filed this year in the District Court, of which, 36 cases were decided and 216 cases remain undecided.

158 criminal cases were filed by the end of this year, of which 17 cases were decided and 141 cases remain undecided.

1,343 civil cases were filed in court by the end of this year, of which, 217 cases were decided and 1126 cases remain undecided.

CHILD RIGHTS

Aftab Miya, 7, of Maheshpur VDC-2 was abducted by an unidentified group while he was returning home from school on 16 June. The police rescued the child the next day and handed him over to his parents.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Tilawa Devi Yadav, 75, of Kalaiya municipality-2 was killed by Manoj Sah,

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By TJKP			By TC				By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1	1	1					9	9	1	10
Injured				1		1	1	10	9	6	15
Beatings								1	1		1
Economic, Social and Cultural Rights								4	5		5
Abduction				1	1		1	9	11		11
Total	1	1	1	2	1	1	2	33	35	7	42

25, on 8 December allegedly for being a witch. Sah attacked her with a knife. The perpetrator remains at large.

Trafficking

12 women, including Samyukta Khatiwada, Geeta Khatri, Pavitra Raut, Samjhana Pariyaar, Geeta Rokka, Sita Dahal, Samjhana Dhamala, Reema Dahal, Jhal Kumari Dahal, Yam Kumari, of Triyuga municipality from Simara VDC were rescued by police on 3 November from being trafficked to India. Police arrested Jagadish Jha of Triyuga municipality-8 and Loknath Dahal of Triyuga municipality-4 in connection with the trafficking. The two have remained in custody since.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Seizure of Property

By Tarai Cobra

Cadres of Tarai Cobra detonated a socket bomb in the house of NC cadre Uddhav Bhattarai in Kalaiya municipality-8 on 29 May. The blast caused damages to the wall behind the house and to the windowpanes.

By JTMM-J

The JTMM-J detonated a bomb at the Nitampur-based Unique Pharma Pvt. Ltd. on 31 March. The blast caused damage to the walls.

By JTMM-Prithvi

Cadres of the JTMM-Prithvi Singh detonated a sutali bomb at the house of UML cadre and former VDC vice-chairman, Mitthu Bharati, of Manaharwa VDC-5 on 11 May. The blast caused damage to the walls of the house and the windowpanes.

By SJTMM

Cadres of the SJTMM torched the Madhyamanchal cold storage in Prasauni VDC-9 by exploding a gas cylinder on 3 February. The storage said that property, worth Rs 10 million, was destroyed in the incident.

By TMM

Cadres of the Tarai Mukti Morcha detonated a bomb at the house of Jitendra Malla, 49, of Motisar VDC-4 on 15 December. Malla was working as a Registrar at the Kalaiya municipality. He said that the blast damaged the property which was worth Rs 100,000.



By TMT

Cadres of the Tarai Mukti Tigers detonated a sutali bomb at the house of Dr. Abdul Rahaman in Kalaiya municipality-14 on 12 February. The blast caused minor damages to the house.

By Unidentified Group

An unidentified group detonated a bomb at the Pashupati Coating Industry Pvd Ltd. in Kalaiya municipality-3 on 25 March. The group of around four men detonated the bomb after taking the guard control. Soap cutting, packing and sleeking machines were damaged in the incident.

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

As many as four persons were killed by State this year. Manoj Kumar Kurmi, 27, of Hariharpur VDC-7, and Indian nationals, Sanjay Prasad Kurmi and Bam Bahadur Chaudhary, died on the spot when police opened fire at them at Chapkaiya in Birgunj Sub-metropolis-9 on 1 January. Police accused them of being accomplices of an Indian criminal named Munna Surma. Seven political parties in the district demanded the suspension of SP Yogheshwar Romkhami within 24 hours, accusing the police of killing the pair after they were arrested. Demanding action against the police; the MJF, TMDP, NSP (Anandi Devi) and the RPP shut down Birgunj for nine days.

By Maoists

Bharat Ram, 34, of Bhikhampur VDC-4 died on 10 July after Maoists cadre beat him. A clash had ensued between Maoists cadre, Shubha Ram, and NC cadre, Bharat Ram, over a political dispute. Bharat died in Kathmandu while undergoing treatment. Prabhu Ram, Shubha Ram, Dharendra Kumar and Kumal Kurmi have been remanded into police custody.

By JTMM-J

As many as four persons were killed by the JTMM-J this year. An employee at Birgunj Branch of Nepal Electricity Authority, Narayan Khadka, 45, from Birgunj Sub-metropolis-16 was shot by JTMM-J cadres while he was returning home from the market on 30 May. Khadka received a bullet injury to his chest and back. He died while undergoing treatment at the Narayani sub-regional hospital in Birgunj. Employees of the Birgunj-based government and non-governmental

2.9

Parsa



Population : 624,501

Literacy(%) : 45

Women Literacy(%) : 30

Area(Sq. Km.) : 1,353

Number of VDC(s)/Municipality(ies) : 82/1

Number of School(s) : 331/26

Campus(es)/Higher Secondary School(s) : 5/8

Hospital(s)/Health Post(s) : 2/38

Human Development Index : 0.448

Average Household Size : 7

Table : 1

Types of Event	By Non-state								By State				
	By Others					By Maoists							
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	10	10	1		11	1	1	1	2	4			4
Injured	27	50	8	47	105				6	7	4	8	19
Arrest & Torture									1	3			3
Right to Assembly									1		1	5	6
Women Rights	3		3		3								
Abduction	7	8			8								
Total	47	68	12	47	127	1	1	1	10	14	5	13	32

organizations took Khadka's body around the city, demanding that he be declared a martyr. Police have not arrested anyone in connection with the murder.

By SJTMM

Branch Manager at the district administration office in Parsa, Mohan Mainali, 52, from Birgunj Submetropolis-12 was shot dead by cadres of the SJTMM on 19 September. Mainali was shot in his chest by the group while drinking tea on Ranighat chok. He died while undergoing treatment at Narayani sub-regional hospital. Employees at various organizations shut down all government and non-government offices on 20 September demanding that action be taken against the culprits, compensation be received by deceased's family and martyr status be given to Mainali. The final rites of Mainali were performed by his relatives at Aryaghat in Khatmandu. Paras Birat, the commander of the group, claimed responsibility of the incident.

By Unidentified Group

As many as three persons were killed by unidentified group this year. Jata Shankar Sah, 50, from Birgunj Sub-metropolis-13 was injured when an unidentified group hurled a socket bomb

at him while he was performing Pooja at his home on 28 October. Sah died while undergoing treatment at Norvic hospital in Kathamandu on 1 November. He was initially treated at Narayani sub-regional hospital.

INJURED IN SHOOTING/EXPLOSION

By State

As many as 19 persons were injured in shooting/explosion by State this year. Satar Aalam, of Jitpur, was injured when police shot him at Birgunj Sub-metropolis-3 on 14 January. Police opened fire at him after he tried to run away while extorting money. He was treated in police care. Aalam was charged for extorting money from businessmen and employees.

By JTMM-J

As many as two persons were injured in shootings/explosion by the JTMM-J this year. The junior engineer at Birgunj Sub-metropolis Sunil Karn, 44, of Birgunj municipality-14 was injured when cadres of the JTMM-J shot him behind the Narsingh campus on 24 January. Karn was treated at the Narayani sub-regional hospital after being shot in his back. Police arrested Nasir Miyan of Birgunj municipality-3 in connection with the shooting.

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By SJTMM					By JTMM-J			By JTMM(Prithiv)			By TA		
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	1	1			1	4	4	4						
Injured	7	18	4	47	69	2	2	2	5	10	10	1	2	2
Abduction														
Total	8	19	4	47	70	6	6	6	5	10	10	1	2	2

By MMT

Dr Bishwanath Bhagat, 71, of Ramtol in Birgunj municipality-9, was injured when cadres of the MMT shot him at Mahabirasthan while he was returning home from his clinic on 29 May. Bhagat sustained bullet injuries to his back. The same group also shot him in the chest at his clinic on 14 December for not providing a 'donation'. He was treated at Norvic and Bir hospital in Kathmandu.

By SJTMM

As many as 69 persons were injured by SJTMM this year. Om Prakash Chachan, 47, of Adarshanagar, Birgunj municipality-13 was injured when cadres of the SJTMM shot him in his chest behind the office of the Nepal Rastra Bank Birgunj on 5 June. Chachan was shot for not providing money as a donation. He was taken to Kathmandu because his treatment was not possible in Birgunj. Police arrested Mohar Chaudhary (alias Baadal) of Khalbatola VDC-6 and Bimal Tiwari of Bhatha VDC-7 and charged them with murder.

By JTMM-Prithvi

As many as 10 persons were injured in shooting/explosion by the JTMM-Prithivi this year. Aashish Gupta, 10, and Atish Shrestha, 12, both students of the Gyan Jyoti higher secondary school in Birta, Birgunj Sub-metropolis-4, were injured in an explosion on 16 March. Cadres of the JTMM-Prithvi Singh had

detonated a sutali bomb inside the school premises during the school time. The boys sustained shrapnel injuries in their legs and shoulders. They were treated at the Narayani sub-regional hospital.

By STMM

52 persons, including CDO Bhola Prasad Adhikari, Aarati Prasad Adhikari of Parsa, Bimala Karki of Chitwan, Munna Yadav, Firoj Aalam and Grahana Prasad Yadav of Rautahat were injured when cadres of the STMM detonated a bomb at a mass assembly organized on 30 June. Seven political parties had organized the programme for the promotion of the CA election. The programme took place at the Narayani Stadium in Birgunj Sub-metropolis-16. Severely injured persons were taken to Kathmandu for treatment while others were treated at Narayani sub-regional hospital.

By TMT

As many as seven persons were injured by TMT. Sonakhat Ali, 50, Ajay Prasad Sah, 35, Muhammad Hussein, 30, and Paras Prasad Sah, 32, of Birgunj Sub-metropolis-6 were injured when cadres of the TMT detonated a sutali bomb at the entrance of the municipality office. The injured persons sustained shrapnel injuries in their chest, legs and stomach. They were treated at the Narayani sub-regional hospital.

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By TMT				By TUKS			By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing								3	3		3
Injured	3	6	1	7	1	5	5	6	6	2	8
Abduction								4	4		4
Total	3	6	1	7	1	5	5	13	13	2	15

By TUKS

As many as five persons were injured in shooting/explosion by TUKS. Prasad Khanal, 50, and Dhruba Yadav, 28 of Bara, Shankar Bajracharya, 22, of Lalitpur and Indian nationals, Sunil Sharma and Munna Sharma, sustained shrapnel injuries in their legs, stomach, hands and chest when the TUKS detonated sutali bombs simultaneously at the entrances of Summer Travels, Angels Travels and Khadkeshwor Travels in New Buspark on 3 April. Khanal was taken to Kathmandu for treatment while the rest were treated at the Narayani sub-regional hospital.

By Tarai Army

As many as two persons were injured by Tarai Army this year. Editor of the Satya Sandesh Daily, Prakash Tiwari, and local businessman, Dev Narayan Sah, sustained shrapnel injuries to their stomachs and backs when cadres of the Tarai Army detonated a time bomb in Ghantaghar, Birgunj Sub-metropolis-12 on 16 July. Tiwari was taken to Kathmandu for treatment since treatment was not possible at Narayani sub-regional hospital.

JAIL AND DETAINEES

The 'A' grade District Jail of Parsa has the capacity to keep 1,500 inmates. 794 inmates were detained in the jail by the end of this year of whom 374 were male and 25 were female convicts. 368

male and 15 females are detainees. There are also four boys and five girls at the jail as dependents.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION**(Including Political Freedom, and Free and Impartial Election)**

MJF cadres Karima Begam, Durga Sah, Rajesh Sah, Sudhir Pandey and NSP cadre Shiva Patel were injured when police lathi-charged them on 1 February. The MJF and the NSP cadres were staging a sit-in in front of the district administration office demanding that the government address their concerns. They were treated at Narayani sub-regional hospital.

RIGHT TO PROMPT AND FAIR TRIAL

318 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. 166 criminal cases, where the individual is plaintiff, were filed this year. Among the total 484 criminal cases, where the individual is plaintiff, 66 cases were decided and 418 cases remain undecided by the end of this year.

141 criminal cases were brought forward from last year and 49 criminal cases were filed this year. Among the total 190 criminal cases, 25 cases were decided and 165 cases remained undecided by the end of this year.

1108 civil cases were brought

forward from last year and 438 civil cases were filed this year. Among the total 1546 civil cases 264 cases were decided and 1282 cases remained undecided by the end of this year.

CHILD RIGHTS

Bachha Miya, 12, of Hariharpur VDC-6 was abducted by an unidentified group while he was sleeping in his home on the night of 1 January. The child was released from Sikta, India a week after the child's family provided ransom to the abductors.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Marijan Khatun, 50, of Prasouni Birta VDC-4 was force-fed human excreta in her home by Gyasudin Miya, Islamdin Ansari, Yunish Ansari, Idris Miya Ansari, Jumadin Miya Ansari from the same place on 11 September. Three of Khatun's teeth were broken when they tried to force the human excreta through a bamboo stick into her mouth. The victim filed a complaint against them at the District Administration Office on 15 September under the Public Offense Act. Police arrested Gyasudin Miya on 26 September. He was later released on bail after depositing 15 thousand rupees.

Domestic Violence

Geeta Devi Sahani, 36, of Surjaha VDC-5 was beaten by her husband and in-laws for 12 days starting 1 March and ending 12 March. Geeta's in-laws beat her and tied her hands and legs up, accusing her of being insane. Area police office Pokhariya rescued her with the help of a local Women's Pressure Group and the Dibya Youth Club. Police held Geeta's husband and in-laws in custody.

2.10 Chitwan



Population : 591,505

Literacy(%) : 75

Women Literacy(%) : 55

Area(Sq. Km.) : 2,218

Number of VDC(s)/Municipality(ies) : 36/2

Number of School(s) : 483/117

Campus(es)/Higher Secondary School(s) : 6/45

Hospital(s)/Health Post(s) : 5/42

Human Development Index : 0.518

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

A businessman, Ram Hari Shrestha, of Koteshwor, Kathmandu Metropolis-35 was beaten at the Shaktikhor-based Third division Maoists PLA on 7 May for allegedly stealing a Chinese Browning Pistol and Rs 1,700,000. He died the next day while being taken to Kathmandu for treatment after initial treatment at Bharatpur-based Medical College Teaching Hospital.

The body of Shrestha was found floating under Madan-Ashrit bridge in Kabilas VDC on 25 May. Police and media persons failed to recover his body despite their two day search-effort from Bhaludhunga to the Narayani bridge. Eyewitnesses suspected that Shrestha was

Table : 1

Types of Event	By Non-state								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1	1		1	1	1		1			
Injured	4	4		4					1	2	2
Arrest & Torture									1	1	1
Beatings	24	37	5	42	20	29		29			
Threats	11	19		19	19	18	4	22			
Right to Assembly	2	2		2	6	10	2	12			
Racial Discrimination	1	1		1							
Women Rights	11		11	11							
Child Rights	14	4	13	17							
Economic, Social and Cultural Rights	1	4		4	1	1		1			
Inhuman Behaviour	1		1	1							
Abduction	7	6	1	7	10	18		18			
Total	77	78	31	109	57	77	6	83	2	3	3

buried after being murdered since his body was covered with mud. The third division of the Maoist PLA issued a press statement on 14 May after Shrestha's family staged protests. According to the press statement, Shrestha was severely injured when Assistant Brigadier of the division Gangram Thapa (alias Atom), 25, of Rukum district and Keshav Adhikari (alias Raghu), 33, of Lamjung district beat him in their camp on the night of 10 May. The statement added that the two fled after Shrestha died while being taken to Kathmandu for treatment. The division further said that the two perpetrators threw Shrestha's body into the Trishuli River from the Bhaludhunga bridge in Dahkhani VDC-6.

The joint commander of the Third Division of the Maoist PLA, Sanjiv, handed another joint commander of the Maoists camp, Govind Bahadur Batalaa, 35, from Kalikot district to the DPO in Bharatpur, accusing him of being involved in Shrestha's murder. Batalaa remains custody in the Bharatpur jail. The case

remains decided at the end of the year. A cabinet meeting on 22 May formed a three-member probe committee headed by former Justice of the Supreme Court, Rajendra Kumar Bhadari. AIG Amar Singh Sah and Joint-attorney General, Sharad Prasad Gautam, were also members of the committee which was given 15 days to submit its report. Similarly, the Maoists formed a three-member probe panel headed by the Maoist central committee member, Posta Bahadur Bogati, to probe the murder on 22 May. The panel comprised of Hit Raj Pandey and Ekraj Bhandari as its members.

By Bomb

Santa Bahadur Rumba, 33, and Ram Bahadur Thing, 33, from Makwanpur district, and Bhim Bahadur Tamang, 71, from Morang district were injured in an explosion at the Bus Park in Bharatpur municipality-9 on 22 August. The three were injured while they were making bombs inside a house. Ram Bahadur succumbed to injuries while undergoing



Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By UML			By ANNISU-R			By NC			
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing										
Injured										
Beatings	4	7	7	4	8	8	3	4	1	5
Threats	1	1	1							
Right to Assembly										
Abduction										
Total	5	8	8	4	8	8	3	4	1	5

treatment at the Medical college teaching hospital in Bharatpur. Police released Santa Bahadur on 26 September after he was arrested while undergoing treatment at the same hospital. His wife Bal Kumar Shrestha, 41, and Ramji Poudel of Bharatpur municipality-9 were also released on 25 August. They were arrested immediately after the incident.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

As many as two persons were injured by unidentified group this year. The principal of the Bhairav Rastriya Primary School at Bhandara VDC-3, Uddhav Dharel, 46, of Bhandara VDC-1 was injured when an unidentified group shot him on 20 April. He was treated at the Bharatpur medical college. SI Surya Shrestha said that the identification of the assailants is yet to be ascertained.

By Abandoned Bomb

Chandra Bahadur Shrestha, 47, of Tiruwa, Lothar VDC-2 was injured when he hit a socket bomb found while plowing a field on 7 April. The bomb exploded when he struck it with sickle. He sustained injuries to his hands, face and neck. He was treated at Medical college teaching hospital.

JAIL AND DETAINEES

The "B" grade District Jail in Bharatpur has a capacity to detain 125 inmates. However, 245 inmates were detained in the jail by the end of the year, of whom, 92 were male and two were female convicts with 132 male and 14 female accused. There are two minor boys and three minor girls in the jail. The children do not have access to school. The inmates have complained of the inadequacy of the toilets.

Govinda Bahadur Batalaa, accused of killing Ram Hari Shrestha, was beaten by Sonam Lama, Yam Bahadur Pun and Dambar Praja inside the district jail. Batalaa alleged that they beat him with support from the jail administration because he urged the jail to turn into a correctional institution and end gambling and alcohol use inside the jail. He was kept in the district jail following a decision from the Chitwan district court on 11 June. The other three inmates involved in the beating were transferred to the Kaski district prison along with other 22 inmates on 24 November, according to Jailer Tol Bahadur Sharma.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as 18 persons were

Table : 3**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By Youth Force				By YCL				By Unidentified Group		
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing									1	1	1
Injured									4	4	4
Beatings	1		1	1	9	13	2	15			
Threats	1	1		1	7	14		14	2	3	3
Right to Assembly					2	2		2			
Abduction					4	4		4	1	1	1
Total	2	1	1	2	22	33	2	35	8	9	9

abducted by Maoists this year. The NC VDC committee chairman, Ek Bahadur Adhikari, 60, from Kaule VDC-6 and NC cadre Kumar Budhathoki, 43, of same place were abducted by Maoist cadres on 7 April. The two, were kept in Maoist captivity at Haatibang and were released at the initiation of the NC district committee and the INSEC district representative on 9 April.

THREATS/BEATINGS

By Maoists

As many as 51 persons were threatened/beaten by Maoists this year. President of the Press Chautari Nepal district chapter, Kabi Kiran Neupane, from Ratnanagar municipality-10 was beaten by Maoist cadre, Ram Babu Shrestha, from the same place on 8 July. The beating occurred over a news article published in the Dristi weekly. Neupane sustained injuries to his hand and head. Refuting Shrestha's claim, Neupane said that a minor dispute occurred between them over an issue of the Panchakanya community forest.

By YCL

As many as 29 persons were threatened/beaten by the YCL this year. Dev Narayan Shrestha, 32, of Bharatpur municipality-11 was injured when YCL

cadres beat him near a canal at Jutpani VDC-3 on 10 March for not providing a 'donation'. Shrestha was treated at Medical College Teaching Hospital Bharatpur after sustaining injuries to his eye and back. Quoting Maoist area no. 2 in-charge, Bibek, Shrestha said that he was assured that YCL cadres involved in his beating would be presented on 16 March. Shrestha added that the assailants had come in a vehicle with a registration number not owned by the Maoists Third Division.

By UML

As many as eight persons were threatened/beaten by UML this year. YCL cadre, Ram Bahadur Shrestha, 35, of Birendranagar VDC-9 was beaten by UML cadres, Rajan Pun, Dipak Pun and Prakash Poudel at Langadi chok on 20 March, according to the YCL area no. 1 in-charge Lal Singh Thing. Shrestha who was attacked with a sharp weapon was treated at Medical College Teaching Hospital Bharatpur.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

RPP district joint-secretary Dinesh Adhikari and RPP cadre Dilip Thapa of

Sirjana chok, Kalyanpur VDC-7 were threatened by Maoists over campaigning for the elections on 15 March. The group, led by Maoist district committee member Dandapani Poudel, looted the mobile phones and motorcycle belonging to Adhikari.

RIGHT TO PROMPT AND FAIR TRIAL

716 criminal cases were brought forward from last year in the District Court. Likewise, 716 criminal cases were filed this year. Among the total criminal cases, 849 cases were decided and 885 cases remained undecided by the end of this year.

854 civil cases were brought forward from last year. Likewise, 706 civil cases were filed this year. Among the total civil cases, 547 cases were decided and 1013 cases remained undecided by the end of this year.

There is a Child Bench in the District Court but no cases have been filed.

CHILD RIGHTS

A 13-year-old child from Ayodhyapuri VDC-6 was raped by Purn Chettri, 20, of the same place in a jungle of Bhalukhola-Salghari on 24 August. Police arrested Chettri after the victim's family lodged a complaint at the DPO three days later. Police remanded him to the Bharatpur district jail on 18 September.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sita Kumari Thapa, 27, from the Pokhara Sub-metropolis-16, was injured when her husband, Jagat Bahadur Thapa, 37, hit her with a hammer in Kalyanpur VDC-3 on 8 January. The victim received 28 stitches for the injury on her head at area health post in Basantpur, Madi. Jagat Bahadur has been sent to the Bharatpur

district jail following the order from district court on 12 January.

Polygamy

Prakash Bhattarai, 20, from Bharatpur municipality-10 married Mitthu Bhattarai, 19, from ward no. 11 on 3 August. The first wife of Prakash, Jamuna Bhattarai, from ward no. 5 lodged a complaint against him at district court on 15 October on charge of polygamy. ASI Surya Shrestha said that Prakash was sent to the district jail after he failed to pay a fine of 45 thousand rupees as ordered by the district court on 6 November.



2.11 Makawanpur



Population : 467,996

Literacy(%) : 65

Women Literacy(%) : 55

Area(Sq. Km.) : 2,426

Number of VDC(s)/Municipality(ies) : 43/1

Number of School(s) : 446/44

Campus(es)/Higher Secondary School(s) : 5/22

Hospital(s)/Health Post(s) : 1/44

Human Development Index : 0.470

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The “D” grade District Jail of Makawanpur has the capacity to accommodate 41 inmates. The jail had a total of 50 male inmates by the end of the year of whom 26 were convicted and 24 were accused.

The jail ceased to detain women inmates since October due to the dilapidated condition of the female ward. They have been sent to the Birgunj jail. A television, a radio set, newspapers and facility to access library are provided to the inmates. Inmates complained that they were facing problems with sleeping as there are more inmates than the jail’s capacity entails. Due to a lack of space, the inmates will not allow anymore detainees to enter the jail.

The government has started construction of a regional jail in Bhimfedi owing to the apt environment in the area. The jail will have a capacity to hold 1500 convicted inmates and is expected to be set up in five years.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

NSU cadres Mahendra Raut, 24, and Dipak Ghimire, 22, of Hetauda municipality-2 were beaten by Maoists cadres at the Bakaiya river in Chatiban VDC-1 on 19 April while they were returning from campaigning for the NC.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 329 criminal and civil cases, including 126 cases that were filed this year and 213 cases that were brought forward from last year are at the desk of District Court this year awaiting a decision. Only 61 were decided and 278 cases remained undecided by the end of

the year.

Though there is a Child Bench in the District Court, no cases have been filed.

Appellate Court

168 criminal cases, where the individual is plaintiff, were brought forward from the last year in the Appellate Court. Similarly, 104 criminal cases, where the individual is plaintiff, were filed this year. Among the total 272 criminal cases, where the individual is plaintiff, 83 cases were decided and 189 cases remained undecided by the end of this year.

269 criminal cases were brought forward from last year. Similarly, 127 criminal cases were filed this year. Among the total 396 criminal cases, 132 cases were decided and 267 cases remained undecided by the end of this year. There are 15 cases that have not been decided for two years.

710 civil cases were brought forward from last year. Similarly, 322 civil cases were filed this year. Among the total 1032 civil cases, 307 cases were decided and 725 cases remained undecided by the end of this year.

CHILD RIGHTS

A 13-year-old child of Lahan, Siraha was gang-raped at the Bus Park in Heatauda municipality-10 by four men, including, Ram Bahadur Luintel, 20, from Hetauda municipality-8 and Purna Bahadur Blon, 19, from Gadi VDC-2 on 21 July. Luintel and Blon have been sent to Bhimfedi jail after being arrested while other two perpetrators are at large.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Kanchi Maya Syangtan, 40, and Maiti Gole, 30, from Tistung VDC-5 were beaten and expelled from their home by

Types of Event	By Non-state							By State			
	By Others				By Maoists			No. of Events	Male	M/F N/A	Total
	No. of Events	Male	Female	Total	No. of Events	Male	Total				
Killing	5	3	3	6							
Arrest & Torture								1	2		2
Beatings	1	4		4	3	5	5				
Right to Assembly					1	1	1	1	3	4	7
Women Rights	10		11	11							
Child Rights	9		9	9							
Economic, Social and Cultural Rights					1	1	1				
Inhuman Behaviour	1	1		1							
Abduction	2	2		2							
Total	28	10	23	33	5	7	7	2	5	4	9

Radhika Gole, 28, and Meena Syangtan, 29, from the same place on 26 July for allegedly practicing witchcraft. Radhika and Meena were arrested by police after the victims, with support from various organizations, lodged a complaint with the police. The local administration released the two on bail after they deposited Rs 500 each.

Trafficking

A 19-year-old woman from Chatiban VDC-4 was sold to an Indian Circus by Shankar Basnet, 45, from Nijgadh, Bara, on 18 September. Basnet was held at the Bhimfedi jail after his arrest at the end of the year.

Domestic Violence

Sunita KC, 21, from Choukitol, Hetauda municipality-1 was hacked to death by her husband Yubaraj KC, from Khanalthok VDC in Kavre district on 16 April. Yubaraj killed his wife following a dispute over returning from her maternal home. Sunita was pregnant when she was

killed. Yubaraj is serving his jail term in the Bhimfedi jail.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Workers inside and outside the Hetauda Industrial Area, led by the Maoists-affiliated worker's union, shut down 55 industries in Hetauda from 28 November saying the industries did not provide the minimum wage fixed by the government. The industries resumed operation from 30 November after an agreement was reached to provide the minimum wage fixed by the government to the workers. Likewise, the Maoists-affiliated hotel workers shut down the Everest Panorama Resort situated in the tourist area of Daman on 16 December. The hotel workers called off their strike after the resort agreed to provide minimum wage fixed by government to them. Meanwhile, there is irregular pay between men and women agricultural workers. Men are paid 120 rupees while women are paid 80 rupees for the same work.

2.12 Lalitpur



Population : 419,004

Literacy(%) : 70

Women Literacy(%) : 60

Area(Sq. Km.) : 385

Number of VDC(s)/Municipality(ies) : 41/1

Number of School(s) : 449/314

Campus(es)/Higher Secondary School(s) : 27/81

Hospital(s)/Health Post(s) : 8/41

Human Development Index : 0.588

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

NSU cadre Pradip Khadka, 38, from Katari VDC-4, Udaypur district, died after police beat him at Balkumari in Lalitpur municipality-8 on 10 September for not stopping his motorbike at the check point. Khadka died while undergoing treatment at Patan hospital. He was taken to hospital by police. A high-level probe committee comprising of former justice Rajendra Kumar Bhandari, AIG Shyam Singh Thapa and Joint-attorney General Mahesh Kumar Thapa was formed by the government on 14 September to investigate the matter.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

An accountant of Ananda Traders

Anath Bandhu Ghimire, 28, from Dhadhikot VDC-1, Bhaktapur district was injured when two unidentified men shot him at Chapagaun in Lalitpur Sub-metropolis-14 on 24 March. Ghimire was treated at the B and B hospital.

JAIL AND DETAINEES

The "C" grade Nakkhu Jail has a capacity to accommodate 250 inmates however 422 inmates were in jail at the end of the year. Of whom, 154 were convicted and 271 were accused inmates awaiting trial. Three convicted and 15 accused inmates were foreigners. The jail, which was built during the Rana regime, has a library, sports materials, television and radio for inmates. There are 24 toilets inside the jail.

Shyam Bahadur Tamang, 50, of Burungchuli, Devichour VDC-2 hanged himself in police custody on 24 July. Tamang hanged himself by a bandage which was wrapped around his body. Locals handed him to the Tika Bhairav police office on 15 July after he, in an inebriated condition, threatened to kill them by wielding a khukuri and a gun. He was charged under the arms and ammunition act.

THREATS/BEATINGS

By State

Neema Sherpa, 65, from Tasting VDC-6, Solukhumbu district, was injured when police beat him on 12 September. Sherpa, who rented a room at Balkumari in Lalitpur Sub-metropolis, was beaten in a clash between the police and locals of Imadol. The locals were protesting against the beating of Pradip Khadka, of Udaypur district, by police. Sherpa sustained injuries to his back and leg. He could not receive treatment because he could not afford it.

Table : 1

Type of Events	By Non-State									By State				
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	4		4		4					1	1			1
Injured	4	4	1		5					1	1			1
Death in Detention										1	1			1
Arrest & Torture										1	1			1
Beatings	2	2			2	1	9	1	10					
Threats	1	1			1									
Right to Assembly										4	263	11	1	275
Women Rights	1		1		1									
Child Rights	5		4	170	174									
Inhuman Behaviour										1	1			1
Abduction	1	1			1									
Total	18	8	10	170	188	1	9	1	10	9	268	11	1	280

By Maoists

As many as 10 persons were threatened/beaten by Maoists this year.

Maoists-affiliated All Nepal Hotel and Restaurant Workers' Union (ANHRWU) attacked the office of Himal Media Pvt. Ltd. at Hattiban, Dhapakhel VDC on 21 December while a management meeting was taking place. The Maoists-affiliated workers attacked 12 persons and vandalized the office over a cover story that was published in the Himal Khabarpatrika of 1-15 Poush edition. The CEO of Himal Media Ashutosh Tiwari, the editor of the Nepali Times, Kunda Dixit, executive editor of Himal Khabarpatrika Kiran Nepal and senior reporters, Dambar Krishna Shrestha, Shambhu Guragain, Bindira Shakya, Suresh Sharma, Subhash Kumar Das, Karma Lama, Bir Bahadur Tamang were among the injured. Himal Media lodged a complaint at the Lalitpur police office on 25 December against vice-president of the Maoists-affiliated Media and Press Union, Lalitpur unit Ramesh KC and president of the ANHRWU Ramesh Babu Pant, accusing them of being involved in the attack. Both presented themselves

before the police on 26 December. They were released six days later on bail.

By YCL

As many as two persons were threatened/beaten by YCL this year.

Yog Bahadur Sikari of Thuladurlung VDC-5 was injured when YCL cadres Julab Singh Gole, 32, Ram Syangtan, 30, Lakchu Sighar, 35, Chandra Bahadur Singhar, 30, of ward no. 9 beat him while he was talking with a local, Shyam Tamang, on 15 April. Sikari was treated at the Patan hospital. No action was taken against the YCL cadres.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

UML Lalitpur district area no. 1 secretary Narayan Prasad Timalina, 35, of Asrang VDC was beaten by Maoists cadre Hom Prasad Timalina of Ikudol VDC on 11 March over holding an election programme. Narayan sustained minor injuries and was treated at the Asrang health post.

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By YCL			By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Total
Injured	1	1	1	1	1	1
Beatings	1	1	1			
Total	2	2	2	1	1	1

RIGHT TO PROMPT AND FAIR TRIAL **District court**

431 criminal cases were brought forward from last year. Likewise, 392 criminal cases were filed this year. Among the total 823 criminal cases, 336 cases were decided and 487 remain undecided by the end of this year.

820 civil cases were brought forward from last year. Likewise, 330 civil cases were filed this year. Among the total civil cases, 210 cases were decided and 940 cases remained undecided by the end of this year.

There are 85 civil cases and 61 criminal cases that have remained undecided for two years.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Tika Prasad Dahal, 39, from Bijulikot VDC-5, Ramechhap, was arrested by policemen in plain clothes on 16 November for allegedly stealing motorbikes. Dahal, who rented a room at Sanepa, Lalitpur municipality-2, was

taken to Hanumandhoka where he was beaten by five policemen with a split bamboo. Different parts of body were injured in the incident. Police admitted him to the mental hospital in Patan for treatment on 20 November.

CHILD RIGHTS

A six-year-old girl from Lubhu VDC-4, Lalitpur, was raped by Hari Rai from Choutara, Sindhupalchok, on 20 March. A permanent resident of Pachgachhi VDC-1 in Jhapa district, the girl was raped in her rented room in Lubhu VDC while nobody was home. The victim's family lodged a complaint at the Metropolitan police sector Jawalakhel on 24 March. Police initiated an investigation after arresting Rai. He was remanded and sent to jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sanjita Giri, 26, from Halesi Mahadev VDC-4, Khotang, was beaten by her husband Rajesh Giri on 12 May. An employee at the Agriculture Department in Hariharbhawan, Rajesh had rented a room in Bhanimandal, Lalitpur Sub-metropolis-13. Sanjita said that she was frequently beaten by Rajesh after her marriage. She filed a complaint at the women cell Metropolitan police sector in Lalitpur on 12 May.



2.13

Kavre



Population : 442,395

Literacy(%) : 65

Women Literacy(%) : 55

Area(Sq. Km.) : 1,396

Number of VDC(s)/Municipality(ies) : 87/3

Number of School(s) : 655/71

Campus(es)/Higher Secondary School(s) : 12/50

Hospital(s)/Health Post(s) : 7/94

Human Development Index : 0.543

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail in Dhulikhel, has a capacity to accommodate 61 inmates. However, 110 inmates were kept in the jail by the end of the year. Of the inmates, 40 were convicted and 110 were accused. The jail is spread over three *ropanis* and eight *aanas*. The jail which was used as a horse stable during the Rana regime is not supposed to keep women and children. However, two children, Kumar Waiba, 14, of Sisapani VDC and Lal Bahadur Tamang, 13, of Naldum VDC-4 were kept in the jail for murder charges. Women are sent to central jail from here.

Bhojraj Bhandari, 36, from

Aapchour VDC-6, Gulmi, died inside the Dhulikhel jail on 12 January. Bhandari had been serving his five-year jail term since 3 January 2007 on charge of trafficking women.

THREATS/BEATINGS

By Maoists

As many as 22 persons were threatened/beaten by Maoists this year. Prem Lopchan, 33, of Shikharaambote VDC-5 was injured when Maoists cadres, Hira Tamang, 20, Jit Bahadur Tamang, 43, and his wife, 38, of ward no. 9 attacked him with a *khukuri* on 9 September. Prem said that Hira, a Maoists combatant at the Shaktikhor cantonment, attacked him while he was heading towards his in-laws house. He filed a complaint against the assailants at the DPO on 12 September saying that he sustained injuries to his face, stomach and other parts of the body. Prem said that a gold chain worth 48 thousand rupees was also looted from him in the incident. Though a case was filed under the public offense act, the accused are at large at the end of the year.

By YCL

As many as 17 persons were threatened/beaten by YCL this year. Dinesh Timalisina from Salmechakal VDC-6 was injured when YCL cadres Dawadorje Yonjan, 25, from ward no. 3 and Bilas Lama, 23, from ward no. 7 beat him in Banepa on 21 September. Timalisena had come to Banepa to open a business after selling his land and buffalo. The YCL cadres also took away his mobile. Timalisena managed to escape when the YCL cadres tried to abduct him but the YCL cadres chased him and hit him in head with a rod. The YCL cadres, who were charged under the public offence act, were released on bail of seven thousand rupees.

Table : 1

Types of Event	By Non-State								
	By Others					By Maoists			
	No. of Events	Male	Female	N/A M/F	Total	No. of Events	Male	Female	Total
Killing	17	9	9		18				
Injured	4	4	2		6	2	5		5
Beatings	9	29	1		30	6	15	3	18
Threats	1	1			1	3	3	1	4
Right to Assembly	1	4			4				
Women Rights	5		6		6				
Child Rights	4		3	1	4				
Economic, Social and Cultural Rights						1	2		2
Abduction						2	2		2
Total	41	47	21	1	69	14	27	4	31

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Member of the Interim Parliament and Janamorchha, Nepal candidate of Kavre constituency no. 1 in CA election Kaman Singh Lama, from Maadankudari VDC-8 was injured when CPN (Unified) cadres attacked him at Budhakhani VDC-4 on 31 March. Raj Lama of Mechche VDC-1, Kamal Lama of Mechche VDC-4, Narman Lama of Bhimkhori VDC-4 and Chandra Lama of Maadankudari VDC-1 were also injured in the incident. They were airlifted to Kathmandu and treated at Bir hospital. According to the victims, CPN (Unified) cadres Sagar Lama, Tek Bahadur Bal, Maandwoj Glan, Yudu Lama and Kaaji Moktan of Banakhu VDC-6 had attacked them with sharp weapons while they were staying at the house of a local, Chamar Singh Moktan, in Foksingtar VDC. Kaman Singh sustained injuries to his head and hand, Kamal sustained injuries to his head, hand and back, while Chandar sustained injuries to his back and leg. An additional police team was sent to the site to investigate

the incident. Janamorchha Nepal lodged a murder charge demanding action against the assailants. The election commission sought an explanation from CPN (Unified) election candidate Kanchharam Tamang regarding the incident.

RIGHT TO PROMPT AND FAIR TRIAL

158 criminal cases, where the individual is plaintiff, were filed this year in the district court. 146 cases were decided by the end of this year.

79 criminal cases were filed this year. Out of the total criminal cases filed this year and brought forward from last year, 53 cases were decided by the end of this year.

229 civil cases were filed this year. 226 civil cases were decided out of the total civil cases filed this year and brought forward from the last year.

There are 61 cases that have remained undecided for two years.

CHILD RIGHTS

A 15-year-old girl from Shikhar Aambote VDC was raped by Janak Shrestha, 46, from Dhulikhel municipality-2 on 11 May. The girl, who rented a room in



Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By CPN(United)			By YCL				By Unidentified Group				
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing								2	1	1		2
Injured				2	1	2	3					
Beatings	1	5	5	3	16		16	1	1			1
Threats				1	1		1					
Child Rights								1			1	1
Total	1	5	5	6	18	2	20	4	2	1	1	4

Dhulikhel municipality-3, was repeatedly raped by Shrestha at a picnic spot in Dhulikhel. Shrestha had taken the girl into the jungle after luring her with postcards. The girl has given birth to a child. Shrestha was remanded to custody following a District Court order on 4 June.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Maili Tamang, 80, and her daughter-in-law Damaisya Tamang, 50, from Bahundanda, Shikhar aambote VDC-1 were beaten by Min Bahadur Tamang, 40, and his wife Thuli Maya Tamang, 40, from the same place. The victims were beaten because they were believed to be witches. The couple accused Maili and Damaisya of making their daughter ill by casting a spell on her. Around 30 men along with the couple beat the victims and threatened them to cure the girl. The victims filed a case against Min Bahadur and Thuli Maya at the Dapcha Police Post demanding action against the perpetrators.

Domestic Violence

ASI Chiranjivinath Timala, 23, deputed at the Khopasi Police Post in Panouti Municipality-12, hacked his wife, Gouri Chaulagain, 22, to death on 28 April. A permanent resident of Santapur VDC in Rautahat, Gouri was killed with a *khukuri* in a jungle near the police post.

Timala had decapitated her after the killing. The deceased's head was found in Panouti municipality-10 while her beheaded body was found in Panouti municipality-8. Gouri was a second year BA student at Mahendra Ratna Campus in Tahachal. The district court ordered Timala to be held in custody on murder charges.

Polygamy

Ramesh Timala, 25, of Dhungharka VDC-6 married Laxmi, 21, of Thankot, Kathmandu on 15 April despite already having a wife. Police arrested Timala after his first wife, Sharmila, lodged a complaint at the police office. He was released on bail.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Maoists cadres destroyed the maize field belonging to 11 local farmers of Jyamirkot, Anaikot VDC-2 on 9 August, saying the farmers were farming inside the Jamunbote community forest. Maoists cadres destroyed the crops of everyone except the Maoists supporters. The farmers filed a complaint at the district administration office and the district forest office on 17 August. The DAO immediately sent a letter to the DFO to investigate the incident.

2.14 Bhaktapur



Population : 277,935

Literacy(%) : 70

Women Literacy(%) : 55

Area(Sq. Km.) : 119

Number of VDC(s)/Municipality(ies) : 16/2

Number of School(s) : 316/133

Campus(es)/Higher Secondary School(s) : 10/25

Hospital(s)/Health Post(s) : 5/26

Human Development Index : 0.595

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING/FIRING

By State

Gangaram Lakhe, 23, of Golmati, Bhaktapur municipality-7 died after being

shot by police on the Ramjhupadi road for defying curfew on the night of 15 February. Lakhe died while undergoing treatment. The district administration office in Bhaktapur had imposed a curfew in the Bhaktapur municipality for eight hours effective from 15 February at 8 pm after ticket counters in various parts of the municipality were vandalized.

JAIL AND DETAINEES

There is no jail in Bhaktapur. Children under the age of 16 are kept in a child reform centre. Children who are convicted of different crimes and remanded to custody are kept here. There were 74 boys and seven girls at the reform centre home at the end of the year.

THREATS/BEATINGS

By Maoists

Badri Maaka, 42, from Bhaktapur municipality-4 and Krishna Narayan Dumar, 38, from Bhaktapur municipality-6 were injured when Maoist cadres attacked them with sharp weapons at a road section in Bhaktapur municipality-17 on 3 April. The victims sustained injuries to their heads. No action was taken against the Maoist cadres.

Types of Event	By Non-State							By State		
	By Others				By Maoists					
	No. of Events	Male	Female	Total	No. of Events	Male	Total			
Killing	5	3	3	6				1	1	1
Injured	4	7	1	8						
Beatings	1	1		1	1	2	2	1	3	3
Threats	1	1		1						
Women Rights	1		1	1						
Child Rights	4		5	5						
Total	16	12	10	22	1	2	2	2	4	4



RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

The Maoist district committee in Bhaktapur said that five of its cadres were beaten by NWPP cadres in different places while they were campaigning for CA elections on 2 April. Organizing a press meet, Maoists said that NWPP cadres also tore down signboards placed at election campaign offices in the Bhaktapur municipality. The NWPP and Maoist cadres clashed twice during the election campaign in the district.

RIGHT TO PROMPT AND FAIR TRIAL

Out of 117 criminal cases, where the individual is plaintiff, 13 cases were decided and 104 cases remained undecided at the end of the year in the District Court.

Out of 111 criminal cases, 56 cases were decided and 55 cases remained undecided at the end of the year.

Out of 554 civil cases, 155 cases were decided and 399 cases remain undecided at the end of the year.

Among the total 786 criminal cases, where the individual is plaintiff, criminal cases and civil cases, filed this year at the district court, 224 cases were decided at the end of this year.

CHILD RIGHTS

A 14-year-old girl from Madhyapur Thimi municipality-7 was raped by Ram Sharan Rai, 24, from the same place on 12 May. A permanent resident of Sindhupalchok district, the girl was taken to Shital chahari restaurant at Chundevi in Katunje VDC-6 where she was raped. The Metropolitan Police Sector in Bhaktapur arrested Rai and charged him with rape. He was remanded to police custody following a decision from the district court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Nabina Shrestha lodged a complaint against her husband, Hari Krishna Shrestha, of Sudal VDC-1 on 6 June at Metropolitan police sector, for marrying a second wife. Hari Krishna had married Sangita Adhikari, 19, of Kavre district as his second wife. District court Bhaktapur made a compromise between Hari Krishna and his wife Nabina on 24 June. Hari Krishna also provided compensation to Nabina following the court's decision.

2.15 Kathmandu



Population : 1,563,401

Literacy(%) : 78

Women Literacy(%) : 60

Area(Sq. Km.) : 395

Number of VDC(s)/Municipality(ies) : 57/2

Number of School(s) : 945/1,075

Campus(es)/Higher Secondary School(s) : 121/226

Hospital(s)/Health Post(s) : 40/70

Human Development Index : 0.603

Average Household Size : 6

**CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING**

By Maoists

Ramhari Shrestha, 35, of Koteswor, Kathmandu Metropolis-35 was beaten to death after being abducted by the Third Division of Maoists PLA at Shaktikhor, Chitwan on 10 May. A permanent resident of Rampur VDC-6, Ramechhap district, Shrestha was abducted from his home in Koteswor by Maoist cadres on 27 April. He died while undergoing treatment at Medical College Teaching Hospital Bharatpur on 8 May after being severely beaten at the Maoist camp. Keshav Adhikari alias Raghu, 33, of Bharate VDC-4, Lamjung and Ganga Ram Thapa alias Atom, 25, of Ghetma VDC-4, Rukum had brutally beaten him inside the Maoist camp after abducting him on the charge of stealing a Chinese pistol and Rs 1,700,000.

Shrestha's wife said that they did not publicise the abduction because the Maoists had threatened them with death if they made it public. The body of Shrestha was found near the banks of Trishuli River near Madan-Ashrit bridge in Kabilash VDC-4, Chitwan. His body was handed to his family after post-mortem at Teaching Hospital in Kathmandu. PM Pushpa Kamal Dahal had expressed a commitment to take action against the culprits and assured that the government would provide compensation for his family. A cabinet meeting on 22 May formed a three-member probe committee headed by former Justice of Supreme Court Rajendra Kumar Bhadari. AIG Amar Singh Sah and Joint-attorney General Sharad Prasad Gautam were appointed to the committee, which was given 15 days to submit its report. Joint commander of the Shaktikhor camp Sanjiv handed another joint commander of the Maoists camp

Govind Bahadur Batala, 35, of Kalikot district to the DPO Bharatpur, accusing him of being involved in Shrestha's murder on 15 May. Batala has been remanded to custody in Bharatpur jail. The case wasn't decided by the end of the year. Similarly, Maoists formed a three-member probe panel headed by Maoists Central Committee member Posta Bahadur Bogati to probe the murder on 22 May. The panel comprised of Hit Raj Pandey and Ekraj Bhandari as its members.

INJURED IN SHOOTING/EXPLOSION

By Rastriya Mukti Sena

Nepal Army man Sri Prasad Sarbhuja, 28, of Sisthi VDC-4, Baglung was injured in an explosion at the residence of vice-president Paramananda Jha in Kumarigal, Chabahail on 17 August. Deputed for the security of vice-president, Sarbhuja, was treated at the army hospital in Chhauni. The explosion caused minor damage to the windowpanes of the vice-president's house. Little known groups Rastriya Mukti Sena and Nepal Liberation of Tiger, owned up the responsibility stating that they carried out the blast as a warning to the vice-president for swearing-in in the Hindi language. Police arrested commanders of Rastriya Mukti Sena Mohan Karki, Tikaraj Magar, Som Bahadur Rai and Prabin Dura in connection with the blast. They have been charged under the Explosives Act and the murder laws.

By Ranabir Sena

Susmita Shrestha of Kathmandu municipality-16 was injured in an explosion in front of the Buddha air counter near the entrance of Tribhuvan International Airport on 27 December. A teacher at Merry school in Chhawani, Shrestha was treated at KMC Medical College in Sinamangal. Two persons were arrested in connection with the blast but

Table : 1

Types of Event	By Non-State								By State				
	By Others				By Maoists								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	6	7	1	8									
Injured	10	16	2	18					2	15			15
Beatings	9	20	2	22					4	7	1		8
Threats	1		1	1	2	1	1	2	1	1			1
Right to Assembly					1		1	1	14	19	54	172	245
Women Rights	2		2	2									
Child Rights	1		1	1									
Economic, Social and Cultural Rights	1	1	2	3									
Abduction	6	4	2	6	2	3		3					
Total	36	48	13	61	5	4	2	6	21	42	55	172	269

they were released later. Ranabir Sena claimed responsibility for the incident.

By Unidentified Group

As many as 14 persons were injured in shooting/explosion by unidentified group this year. Dipesh Nepali, 15, of Dhading, Toran Gurung of Sankhuwasabha, Bir Bahadur Tamang, 25, Shiva Khadka, 46, Saraswati Lama, 39, Ram Sundar Adhikari, 37, Raju Shrestha and Bharat Tamang of Budanilkantha, Kathmandu were injured when an unidentified group hurled a bomb at the bus they were traveling in on 14 January. They were returning after participating in a mass assembly organised by seven political parties. Tarun, Dipesh and Bharat were treated at Bir hospital while others had sustained only minor injuries. Police arrested Santosh Basnet, 24, of Golchakure VDC-3, Dang and Megh Bahadur Khatri, 33, of ward no. 6 of the same place in connection with the blast. Police made public the identities of two arrested men on 18 January at the Metropolitan Police Crime Investigation Branch Hanumandhoka. They were remanded to police custody for investigation.

JAIL AND DETAINEES

Central jail, the biggest jail in the country, had 775 inmates. Of which, 329 were convicted and 446 were accused. 49 of the inmates were foreigners. The women's prison, set up under the same management, had 81 convicted and 85 accused inmates at the end of the year. Eight of them were foreigners. There were 11 dependent children at the women's prison. Likewise, the Bhadrabandi Griha set up under the same management, had 201 convicted and 328 accused inmates. 25 of them were foreigners. There were 1480 inmates in central jail, women's prison and Bhadrabandi griha altogether which had a combined capacity of 1250 inmates. Jailer Shankar Acharya said that five inmates had died in the jail this year.

Peon Om Bahadur Pun of Land revenue office Makwanpur, who was detained for an attack on Under-secretary of Public Service Commission Dinesh Rai, died at Central jail on 31 August. Jailer Acharya said Pun died while undergoing treatment at Bir hospital after his health condition deteriorated despite receiving treatment inside the jail. Meanwhile, the family of Pun accused the jail administration of torturing him to death. A

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By Youth Force				By YCL				By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing					1	2		2	2	3		3
Injured									7	13	1	14
Beatings	1	2		2	4	15	1	16				
Threats	1		1	1								
Abduction					3	2	1	3	3	2	1	3
Total	2	2	1	3	8	19	2	21	12	18	2	20

post-mortem of his body was conducted at TU Teaching Hospital in Maharajgunj on 1 September. Under-secretary Rai lost his eyesight when Pun hurled a paperweight at him for not transferring him to PSC in Hetauda.

Similarly, there were 405 inmates in the Dillibajar-based Charkhal Adda Sadarkhor Jail which has the capacity of 200 inmates. Among them, 125 inmates were convicted and 280 were accused. The jail is in a dilapidated condition.

DISAPPEARANCE/ABDUCTION

By YCL

As many as three persons were abducted by YCL this year. Sangina Rajak, 28, of Teku, Kathmandu metropolis was abducted by a group of eight YCL cadres from her home on 10 July. Rajak was taken to the YCL central office in Balaju and beaten there on charge of being a UML activist. Sangina said that the YCL cadres also threatened her to join the Maoists. YCL cadres beat her indiscriminately with *lathis*. Sangina is the proprietor of a cold store in Teku and a cadre of UML-affiliated All Nepal Women's Union.

THREATS/BEATINGS

By State

As many as nine persons were threatened/beaten by State this year.

Reporter of Ujyalo FM Dipendra Kunwar, 30, of Parkot VDC-3, Gulmi was beaten by policemen at Anamnagar on 8 June while he was heading towards Anamnagar from Babarmahal. Kunwar said that Police Inspector Sunil Thapa kicked him in chest accusing him of not stopping on his order although he had showed his identity card.

By Maoists

As many as two persons were threatened/beaten by the Maoists this year. Khinmaya Timsina, 35, of Manohar basti, Kathmandu Metropolis-35 was threatened that he better remove the election mobilization and contact office of UML CA election candidate from Kathmandu constituency no. 2 Madhav Kumar Nepal. Eight Maoist cadres threatened Timsina of actions for not removing the UML contact office on 9 March.

By YCL

As many as 16 persons were beaten by the YCL cadres this year. Abinash Gurung, Dhan Bahadur Aale Magar, Maan Bahadur Rai, Subba Lama were beaten by YCL cadres on 21 February on the charge of not providing money as a donation. The four had set up temporary shops in a religious festival at Saali River in Sankhu. Saali River Pooja Management Committee had given the contract to YCL to collect



the fare of setting up temporary shops in the festival. The shop owners had objected to giving 500 rupees extra to YCL on the final day of the festival despite already having paid 4000 rupees as a fare. An association of the shop owners demanded treatment, compensation and return of their goods captured by YCL cadres in a press statement.

By Youth Force

As many as two persons were threatened/beaten by Youth Force this year. An employee at of Labour and Employment Promotion Department Bhuwan Regmi, 35, of Sunsari district was beaten by UML affiliated Youth Force cadres on 1 July on charge of taking bribes of Rs 15,000. Youth Force cadres handed Regmi to the Metropolitan police circle in New Baneshwore. A three member probe committee under the coordination of Krishna Prasad Dawadi, an officer of the LEPD, was formed to investigate the incident.

By Others

Maoist cadre Sheshraj Poudel, 18, of Hadiya VDC-7, Udaypur was injured when an unidentified group attacked him at Jorpati on 28 April. A student at Pashupati Multiple Campus in Kathmandu, Paudel was attacked while he was returning from campaigning for the CA election for Kathmandu constituency no. 4. Paudel was treated at Kathmandu Model hospital after sustaining injuries to the head, leg and back. Paudel was a member of the election mobilization committee for Kathmandu constituency-4 and member of ANNISU-R Pashupati campus.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Police arrested 24 Maoist victims

from Putalisadak on 29 August as they were staging protests after putting forward 15 point demands. Shailendra Bahadur Shahi, 46, of Mugu, Dev Bikram Shaha, Lal Kumari Rokka of Rolpa, Puskhar Sodari, 25, of Ramechhap, Ratna Bahadur Tamang, 26, of Udaypur, Mohan Mishra, Garba Singh Rokka and Srimaya Buda were among the arrested. All of the arrestees were released from the Metropolitan police sector Singhadurbar the next day. Nirmal Pandey was injured in the police intervention. She was treated at Kathmandu Model hospital.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

In Kathmandu district court, 2464 out of 5669 civil cases were decided and 3205 cases were awaiting decision at the end of this year. 2684 out of 5229 criminal cases were decided and 2545 cases were awaiting decision.

Suprem Court

In Suprem Court, 4960 cases were filed this year. 13198 cases had not been decided for more than a year. Out of total 13112 cases, 5768 cases were decided and 13112 remained undecided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT

Minister for Forest and Soil Conservation, Matrika Yadav, locked up local development officer Dandu Raj Ghimire on 17 June inside a toilet room on charge of allowing an illegal stone mine to operate in the community forest in Devichaur VDC and Chapagaun VDC. Minister Yadav had locked him in the toilet room of Ministry for Forest and Soil Conservation in Singh Durbar.

CHILD RIGHTS

A student of class UKG Samman

Katuwal, 7, of Kapan VDC-1 Adarsha nagartol, was abducted from near his home and killed on 16 December. The boy's body was found inside a well in the house of Rewatiraj Karki, about 200 metres away from his house on 25 December. Police arrested Ashok Tamang, 25, of Duwagadi VDC-8, Jhapa in connection with the murder. Ashok had demanded Rs 500,000 from Katuwal's family a day after the boy's abduction.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rabindra Bikram Rana of Saamkhusi, Kathmandu Metropolis-29 threw acid in the face of Saagar Gautam, 23, of Kathmandu Metropolis-33 Maitidevi, while she was heading towards her college on 18 November. Rana had attacked Gautam after she repeatedly rejected his marriage proposals. Saagar returned home after seven days of treatment at Nepal Medical College in Sinamangal. A complaint was lodged at the Metropolitan Police Sector Kamalpokhari against Rana on 21 November. She is currently working at Universal College in Maitidevi while Rana has been absconding.

Domestic Violence

Bhola Kumari Acharya alias Radha, 50, of Sinamangal, Kathmandu Metropolis-9 was killed after being abducted by her step-son and brother-in-law on 3 December after a dispute over a share of the property. The body of Acharya was found the next day near Ranipauwa in Kakani VDC, Nuwakot. Police arrested her brother in law Chanda Prasad Acharya alias Shalikram, 47, of Kavre, step-son Diwas Acharya, 21, friends of Dipak Mandip Pande, 24, Saroj Blon, 21 on 8 December on the charge of their involvement in the murder.



2.16

Dhading



Population : 395,859

Literacy(%) : 50

Women Literacy(%) : 35

Area(Sq. Km.) : 1,926

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 572/20

Campus(es)/Higher Secondary School(s) : 4/26

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.410

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By YCL

Nirmal Pant, 24, and Pushkar Dongol, 23, of Syuchatar VDC-9, Kalanki were killed by YCL cadres after being abducted on 20 October. Bishwas Basnet, 22, of Matatirtha VDC-3, who was also abducted along with Nirmal and Pushkar while having a meal at Malekhu in Gajuri VDC-2, managed to escape from YCL captivity the same day. YCL cadres killed the youths at Dhodeni jungle in Peeda VDC. The bodies of the youths were recovered from the banks of Daringal River in Peeda VDC-3. The bodies were exhumed at the initiation of media persons and human rights organisations, including



INSEC, and taken to Kathmandu.

Demanding that action be taken against the culprits, the brother of Pushkar Dipak Dongol and the mother of Nirmal Rukmini Pant lodged a complaint at the District Police Office Dhadhing on 5 November. They gave the names of 15 persons, including Dhruba Subedi of Peeda VDC-3, Krishna Thapaliya of Dhush VDC-2, Taara Bhandari of Gajuri VDC-1, Bharat Barakoti of same VDC-2, Manaranaj Bhandari of Nilkantha VDC-5, Rajan Regmi of Naubise VDC-2, Dipak Bidari of same VDC-3, Ramesh Adhikari, Dhruba Bikram Malla, Akash Basnet of Peeda VDC-1, who they believed were involved in the killing. Protests were organised in various parts of the country by the victims' families. The victims' families accepted the bodies of the two youths only after an understanding was reached with the government on 2 December. A three member probe commission chaired by former Apex Court Justice Rajendra Kumar Bhandari was formed by the government to investigate the incident.

INJURED IN SHOOTING/EXPLOSION

By Maoists

As many as 16 persons were injured in shooting/explosion by Maoists this year. Seven persons were injured when Maoist cadres detonated a bomb near the house of CA election candidate from Rastriya Janashakti Party Budhiman Tamang on 9 April. Maoists caused the blast accusing RJP of campaigning against them.

JAIL AND DETAINEES

The District Jail which only has the capacity to detain only 35 inmates had 62 inmates at the end of the year. Among them, three women and 17 men were convicted and five women and 37 men were accused. The inmates complained of lack of space in the jail. The jail, which is

in a dilapidated condition, has not been renovated. Water seeps from the roof during the rainy season.

DISAPPEARANCE/ABDUCTION

By Maoists

As many as 11 persons were abducted by Maoists this year. UML cadres Binod Pandey, Baldev Pandey, Ram Kumar Paudel, Krishna Pandey and Uddhav Pandey of Chatredeurali VDC-8 were abducted by Maoist cadres on 9 April on the charge of not helping them. Maoist cadres threatened that they should not work for UML. They were released the next day.

By Youth Force

Manoj Thapa, 18, of Jiwanpur VDC-6 was beaten after being abducted at Hattiban in Kathmandu municipality on 19 October. A student of Maheshdharma secondary school, Thapa was abducted from Puranodharke in Jiwanpur VDC-9. He was treated with the help of Maoists in Kathmandu. Police did not file complaint against the Youth Force cadres despite the attempts of the victim to lodge a complaint at district police offices in Kathmandu and Dhading.

THREATS/BEATINGS

By Maoists

As many as 85 persons were threatened/beaten by Maoists this year. Principal of Mahakali Higher secondary school Krishna Prasad Aryal, 52, of Bumesthan VDC-6, teachers Top Thakuri, 34, Narayan Aryal, 38 and UML Bhumsthan Village Committee Secretary Krishna Bahadur Thapa, 39, were displaced following Maoists' death threats on 30 January. Accusing them of abducting a Maoist cadre Indra Bahadur Karki, Maoists MP Shalikram Jammakattel

Table : 1

Types of Event	By Non-State									By State			
	By Others				By Maoists								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total
Killing	5	5	1	6									
Injured	1	1		1	4	7	3	6	16				
Beatings	11	27		27	14	54	11		65	2	3	1	4
Threats	2	9	3	12	7	18	2		20				
Right to Assembly	1	12		12						1	3	21	24
Racial Discrimination	7	12	3	15									
Women Rights	10		11	11									
Child Rights	7	1	6	7									
Abduction	6	13		13	4	11			11				
Total	50	80	24	104	29	90	16	6	112	3	6	22	28

threatened to hang the men until they were dead if the government did not take action against them within three days. Krishna Aryal said that he was displaced after Maoists threatened to kill them. The displaced teachers returned home after 14 days on 11 February at the initiation of civil society.

THREATS/BEATINGS

By YCL

As many as 21 persons were threatened/beaten by YCL this year. Krishna Hari Shrestha, 45, of Baireni VDC-9, UML Village Secretary Arjun Rimal, 46, Feke Pariyaar, 32, Ram Sharan Adhikari, 52, Nawaraj Rimal, 25, Ganga Dutt Adhikari, 22, Sadhuram Khatiwada, 22, Badri Prasad Khatiwada, 22, were injured in an attack by YCL cadres at Koilikharka in Baireni VDC-4 on 20 March. Krishna Hari was treated at B&B hospital. YCL cadres had attacked them with rods and *lathis* while they were campaigning for the CA election.

By NC

As many as four persons were threatened/beaten by NC this year. Dambar Bahadur Magar, 39, of Murali Bhanjyang VDC-3 was injured when a group led by NC cadre

Raju Magar attacked him on 11 April for not joining NC. Magar sustained an injury to his face and was treated at the district hospital. No action was taken against the NC cadre although the victim had filed a complaint against him.

By UML

As many as 10 persons were threatened/beaten by UML this year. Maoist cadres Subash Jhyari, Maila Jhyari, Baburam Aale and Chuk Bahadur Jhyari of Kalleri VDC-1 were threatened with death by UML cadres on 31 October. Chuk Bahadur said that he had been forced to leave home for a day due to the threat.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom, and Free and Impartial Election)

Maoist cadres disrupted an election assembly organized by UML at Chandibhanjyang in Jiwanpur VDC-7 on 25 March. More than five hundred Maoist cadres who had come from Kathmandu in six buses pelted stones and *lathi*-charged at the assembled group as soon as the assembly began. UML withdrew the assembly after the Maoists did not allow it to take place for more than three hours.



Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML			By NC			By Youth Force			By YCL			By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing							1	1	1	1	2	2			
Injured													1	1	1
Beatings	1	1	1	2	4	4	1	1	1	7	21	21			
Threats	1	9	9												
Right to Assembly										1	12	12			
Child Rights										1	1	1			
Abduction							1	1	1	4	11	11	1	1	1
Total	2	10	10	2	4	4	3	3	3	14	47	47	2	2	2

RIGHT TO PROMPT AND FAIR TRIAL

Out of 50 civil cases, 13 criminal cases and 16 criminal cases, where the individual is plaintiff, brought forward from the last year, 79 cases were decided.

Out of 67 civil cases, 94 criminal cases and 70 criminal cases, where the individual is plaintiff, filed this year, 231 cases were decided.

90 civil cases and 113 criminal cases are awaiting decision at the district court at the end of the year.

CHILD RIGHTS

Kali Maya Tamang, 8, of Nayabasti, Nalang VDC-6 was killed after being raped by her neighbour Chandra Bahadur Tamang, 22 on 5 February. Chandra admitted to killing the girl after raping her at the Philing jungle nearby the village. He has been arrested on the charge of murder after rape.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Maiya Baskot, 50, of Salang VDC-6 was fed human excreta by a group of six persons, including Ram Krishna Pandey, 45, his wife Sita Pandey, 40, and Ekraj Pandey on 5 January. The group beat her and fed her human excreta after she resisted when Ram Krishna tried to molest

her. Although police arrested them, the group was released later on bail.

Muna Ramtel, 36, of Dhola VDC-4 was beaten by Fatyangre Damain of the same place on 24 November on the charge of being a witch. Damain also beat her husband with a *lathi* when he tried to intervene. Damain accused her of making her son ill by chanting spells. Muna was treated at local health post. She said that Damain continued threatening her with death despite a compromise reached between the two sides at the DPO.

Domestic Violence

Maya Karki, 40, of Salang VDC-8 was evicted from home along with her three children by her family on 24 August. The family evicted her and told her she must take care of the children on her own. She filed a complaint at the woman development office. Maya and her children are staying in a neighbour's home.

ALL KINDS OF RACIAL DISCRIMINATION

Santosh Sunar, Suk Bahadur Sunar, Krishna Sunar and Ram Bahadur Sunar, of Devasthan, Darkha VDC-6 were fined Rs 2,000 by villagers on 9 November for entering inside the house of a non-Dalit. The men from the so-called Dalit community were made to offer a public

apology for entering inside the house of Surendra Tamang of ward no. 3 of same VDC. The villagers threatened to expel the Dalit men from village and compelled them to pay the fine.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Property Capture

634 *ropanis* of land belonging to the members of Indrayani Community Forest Users Group at Belkhu, Baireni VDC-7 was captured by Maoist-affiliated workers on 1 September. More than five hundred Maoist-affiliated workers, who break stones on the banks of the Mahes River and the Aagra River, had captured the land in the community forest.



2.17 Sindhupalchowk



Population : 346,997

Literacy(%) : 41

Women Literacy(%) : 30

Area(Sq. Km.) : 2,542

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 507/24

Campus(es)/Higher Secondary School(s) : 6/32

Hospital(s)/Health Post(s) : 1/78

Human Development Index : 0.414

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade Sindhupalchok District Jail has a capacity to accommodate 35 inmates. However, there are a total of 66 inmates in the District Jail with 28 male and one female convict and 34 male and three female detainees. The inmates find it difficult to live in the jail as it is so over crowded. The inmates organized a fast-onto-death protest in the jail for five days from 16 December demanding general amnesty. However, they called off their protest in the presence of INSEC District Representative and journalists after the Assistant Chief District Officer, Govinda Sapkota, and former lawmaker, Krishna Raj Shrestha, assured them that they would pay proper attention to their demands.

THREATS/BEATINGS

By Maoists

As many as four persons were threatened/beaten by Maoists this year. UML District Committee Member, Ram Prasad Pyakurel, 46, from Thumpakhar VDC was beaten by Maoist cadres on 21 March for preparing the mass meeting of UML. The victim was beaten in Sunkhani VDC.

By YCL

As many as seven persons were threatened/beaten by YCL this year. The District Chairperson of the RPP, Gopal Shrestha, 45, of Thaplakot VDC-4 and Arjun Khadka, 44, of the same place were injured when YCL cadres attacked them with a *Khukuri* (a sharp weapon) on 25 March for encouraging votes for the RPP. The victims underwent treatment at the local Health Post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Central Chairperson of the RPP,



Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Killing	8	4	4		8							
Injured	4	14			14	2	9		9			
Beatings	4	6	1		7	1	1		1	1	1	1
Threats						2	3		3			
Right to Assembly	1			3	3	5	3	6	9			
Women Rights	8		8		8							
Child Rights	10		9	1	10							
Inhuman Behaviour	1	1			1							
Abduction	1	9			9							
Total	37	34	22	4	60	10	16	6	22	1	1	1

Pashupati Shumsher Rana, was barred from organizing a publicity campaign for the constituent assembly election by Maoists cadres on 8 March. The perpetrators pelted stones at the victim when he reached the Khalde Kholse area, bordering Jyamire and Lagarche VDCs. The victim was also greeted with a black flag. The victim did not organize the election campaign following the incident.

RIGHT TO PROMPT AND FAIR TRIAL

38 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Similarly, 54 criminal cases, where the individual is plaintiff, were filed this year. Among the total 92 criminal cases, where the individual is plaintiff, 27 cases were decided this year and 65 cases remained undecided.

43 criminal cases had been brought forward from last year and 23 criminal cases were filed this year. Of the total 66 criminal cases, 12 cases were decided this year and 54 cases remained undecided.

82 civil cases had been brought forward from last year and 40 civil cases were filed this year. Of the total 122 civil

cases, 14 cases were decided this year and 106 cases remained undecided by the end of the year.

Among the total 280 criminal cases, where the individual is plaintiff, criminal cases and civil cases, 225 cases remained undecided by the end of this year.

CHILD RIGHTS

A 17-year-old girl from Pipaldanda VDC-2 was raped by Janak Sapkota, 40, from the same place on 26 November in the victim's home. The victim underwent health check up at Chautara Hospital on the next day. The perpetrator remains at large till the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behavior

A 35-year-old woman from Dhumthang VDC-7 was raped by Sahila Shrestha (alias Gathe), 46, from the same place, at the victim's residence on 4 September. The victim underwent a health check up at the Barabishe Primary Health Post. The perpetrator remains in jail till the end of the year.

Polygamy

Krishna Prasad Dhakal, 29, from Bansbari VDC-3, was married a second wife, Pabitra Nepal, 21, from Chandeshwork VDC-5 on 27 April. Krishna's first wife Sarada Dhakal, 19, filed a complaint against her husband. Krishna was detained and later released as per an order of the District Court on 2 June.

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML				By YCL			
	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Female	Total
Injured	1	3		3	3	11		11
Beatings					4	6	1	7
Right to Assembly	1		3	3				
Abduction					1	9		9
Total	2	3	3	6	8	26	1	27

2.18 Nuwakot



Population : 328,055

Literacy(%) : 55

Women Literacy(%) : 43

Area(Sq. Km.) : 1,121

Number of VDC(s)/Municipality(ies) : 61/1

Number of School(s) : 501/53

Campus(es)/Higher Secondary School(s) : 4/24

Hospital(s)/Health Post(s) : 1/66

Human Development Index : 0.463

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "D" grade District Jail has 24 male and two female convicts and 37 male and eight female detainees by the end of

the year. There are a total of 71 convicted and detained inmates in the District Jail. One child was also in the District Jail with his parent. The male inmates are provided with two television sets and all the inmates have access to telephone and newspapers. The inmates have been demanding skill development training along with sports materials and other necessary goods in the jail.

DISAPPEARANCE/ABDUCTION

By YCL

As many as two persons were abducted by YCL this year. Ful Bahadur Tamang, 53, from Gosayang VDC-3 was abducted by YCL cadres on 11 January from the same place while the victim was moving in the village for allegedly being involved in trafficking of women. The victim was handed over to the DPO by YCL cadres on 14 January. The victim was released from the DPO after two days.

THREATS/BEATINGS

By Maoists

As many as five persons were threatened/beaten by Maoists this year. A Correspondent of the Kantipur Daily, Prakash Adhikari, Correspondent of the Nepal Samacharpatra Daily and Avenues Television, Dev Chandra Bhatta,

Table : 1

Types of Event	By Non-State						
	By Others				By Maoists		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	4	2	2	4			
Injured	1		1	1			
Beatings	7	9		9			
Threats	1	1		1	1	5	5
Racial Discrimination	1		1	1			
Women Rights	2		2	2			
Child Rights	4		4	4			
Abduction	2	2		2			
Total	22	14	10	24	1	5	5

Correspondent of Image Channel Kapildev Khanal, Correspondent of Annapurna Post Daily, Baburam Lamichene and Correspondent of Kantipur Television, Radhekrishna Shrestha, were given death threats by Maoistcadres on 14 April for releasing the results of the election in the media. The perpetrators issued threats to the victims for giving results of Nuwakot constituency number two to the media.

By YCL

As many as eight persons were threatened/beaten by YCL this year. Former Finance Minister Dr. Ram Saran Mahat was attacked by YCL cadres on 14 April at Ganeshstan VDC-7 Dotelbesi. The victim was injured when YCL activists pelted stones at the victim while he was traveling in the village after being victorious in the election of the constituent assembly. Ram Bahadur Tamang of Beteni VDC was also injured in the incident.

By NC

Sub-Editor of the Nuwakot Aawaz, Santosh Rijal, 30, from Tupche VDC-2 was beaten by cadres of the NC on 14 April in front of the office of the Chief Election

Officer. The victim was in the area to report on the results of the constituent assembly election. No action has been taken against the perpetrators by the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Voting at the polling station in the Madanipur VDC building was postponed on 10 April after a group of NC cadres, led by former District President Jagadish Nurshing KC, captured the polling booth saying that Maoists did irregularities in the polling at the station. The re-election was held in the same polling station on 17 April.

RIGHT TO PROMPT AND FAIR TRIAL

76 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court of which four cases were decided this year and 72 cases remained undecided. Similarly, 24 criminal cases, where the individual is plaintiff, were filed this year in the District Court of which one case was decided this year and 23 cases remained undecided.

Among the total 100 criminal cases, where the individual is plaintiff, 95 cases remained undecided by the end of this year.

34 criminal cases were brought forward from last year of which one case was decided this year and 33 cases remain undecided. Similarly, 14 criminal cases were filed this year in the District

Court of which two cases were decided and 12 cases remained undecided. Among the total 48 criminal cases, 45 cases remained undecided by the end of this year.

33 civil cases were brought forward from the last year of which 14 cases were decided this year and 19 cases remained undecided. Similarly, 12 civil cases were filed this year in the District Court of which two cases were decided and 10 cases remained undecided. Among the total 45 civil cases, 29 cases remained undecided by the end of this year.

Among the total 193 criminal and civil cases, where the individual is the plaintiff, 169 cases remained undecided by the end of this year.

CHILD RIGHTS

A 10-year-old child from Samari VDC-4 was raped by Jit Bahadur Tamang, 65, from ward number 2 of the same VDC on 22 May at the victim's home. The victim was raped when she was alone at her home. The victim's father filed a complaint at the DPO on 25 May. The perpetrator was arrested and sent to Jail by the police.

A 16-year-old child from Ghyangphendi VDC-6 was rescued from being trafficked by Moiman Tamang and Sancha Tamang from the same VDC on 11 July. The police arrested the perpetrators on the same day and sent them to Jail on

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By NC			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	1	1	1	5	7	7
Threats				1	1	1
Abduction				2	2	2
Total	1	1	1	8	10	10

3 August as per the order of the District Court. The victim remains at her home by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

Suresh Tamang, 18, from Thaprek VDC-5, attempted to rape a 20-year-old woman from Sundaradevi VDC-2 on 4 October while the victim was taking a bath. The perpetrator was sent to jail as per the order of the District Court on 24 October on attempt to rape charges.

Domestic Violence

Sabita Khanal (Tamang), 21, from Narjamandal VDC-3, was attacked with a *Khukuri* by her husband, Sete Tamang, for not abiding by his orders. The victim received an injury to her head. The perpetrator was sent to Jail for attempted murder.

ALL KINDS OF RACIAL DISCRIMINATION

Kalpana Nepali, 18, from Madanpur VDC-1 was beaten by Purna Prasad Pandey, from the same place, on 13 June for touching a water tap. The victim was beaten by the perpetrator for being of a so-called lower caste and touching the water. The perpetrator apologized publicly under pressure from the Maoist affiliated Dalit Mukti Morcha.



ECONOMIC, SOCIAL AND CULTURAL RIGHTS

YCL cadres, led by Village Committee Member of the Maoist affiliated Newar Mukti Morcha Lal Bahadur Shrestha, 33, destroyed a newly constructed house belonging to Chandra Bahadur Balami, 35, from Oakharpouwa VDC-7 on 6 May. The house was destroyed because of an allegation that the victim did not vote for the Maoists in the constituent assembly election.

2.19

Rasuwa



Population : 52,286

Literacy(%) : 47

Women Literacy(%) : 35

Area(Sq. Km.) : 1,544

Number of VDC(s)/Municipality(ies) : 18/0

Number of School(s) : 108/3

Campus(es)/Higher Secondary School(s) : 1/3

Hospital(s)/Health Post(s) : 1/18

Human Development Index : 0.394

Average Household Size : 5.56

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "E" grade District Jail of Rasuwa, which has the capacity to accommodate 25 inmates, housed 15 convicts and two

detainees at the end of the year. All of the detainees were men. Inmates were provided 700 grams of rice and Rs 30 per day as allowance. They have bought a television set and a radio with their own money.

DISAPPEARANCE/ABDUCTION

By YCL

As many as two persons were abducted by YCL this year. District Committee member of DNYF Ram Kumar Neupane, 27, of Bhorle VDC-7, was abducted by YCL from his uncle's home at Bhorle VDC-9 on 16 February. He was taken to jungle and beaten up on charge of holding a UML assembly at a Maoist base. YCL cadres left him in the jungle after he fell unconscious due to the YCL beating. He was treated at TU Teaching hospital in Maharajgunj after receiving initial treatment at Jibjibe primary health centre. Neupane had sustained an injury to his head, leg and different parts of the body. Maoists had threatened to kill him earlier on the charge of working against them.

THREATS/BEATINGS

By YCL

NC District Committee member Janak Jiwan Upadhyaya, 36, of Thulogaun VDC-8 was injured when YCL cadres attacked him in Bhorle VDC-4 on 1 April. He sustained injuries to his face and thigh. Upadhyaya and other NC cadres were attacked as they were campaigning for the CA elections.

ARBITRARY ARREST

Maoist Cadres Ram Bahadur Tamang, Jit Bahadur Tamang, Krishna Ghimire, Bishnu Dhakal, Jit Bahadur Moktan, Arjun Prasad Agasti and Suk Bahadur Tamang were arrested on 2 April on charge of pelting stones at a patrolling police van during CA Election. They were detained for eight days without an arrest warrant. They were released on 10 April.

Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1		1		1							
Injured	4	6			6	5	5	3	8			
Arrest & Torture										2	9	9
Beatings	4	4	1	3	8	6	6		6			
Threats	2	2			2	6	6	2	8	1	1	1
Right to Assembly	2	14	4		18	1	4		4			
Women Rights	2		2		2							
Inhuman Behaviour	1		1		1							
Abduction	2	2			2							
Total	18	28	9	3	40	18	21	5	26	3	10	10

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, and Free and Impartial Election)

Nepal Tarun Dal Central committee member Raju Titung, 29, of Dhunche VDC-7, NC cadres Parwati Tamang, and Nima Dawa Tamang, 36, of Yarsa VDC-4 and Surya Lal Nagarkoti, 25, of Saramthali VDC-1 were injured when YCL cadres attacked them at Bhorle VDC-4 on 1 April. The NC cadres were attacked at Kimarjong danda as they were heading towards Yarsa VDC for an election campaign.

RIGHT TO PROMPT AND FAIR TRIAL

Of the total six criminal cases including criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Among these cases all cases were decided this year. 11 criminal cases including criminal cases, where the individual is plaintiff, were filed this year. Among them only one

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

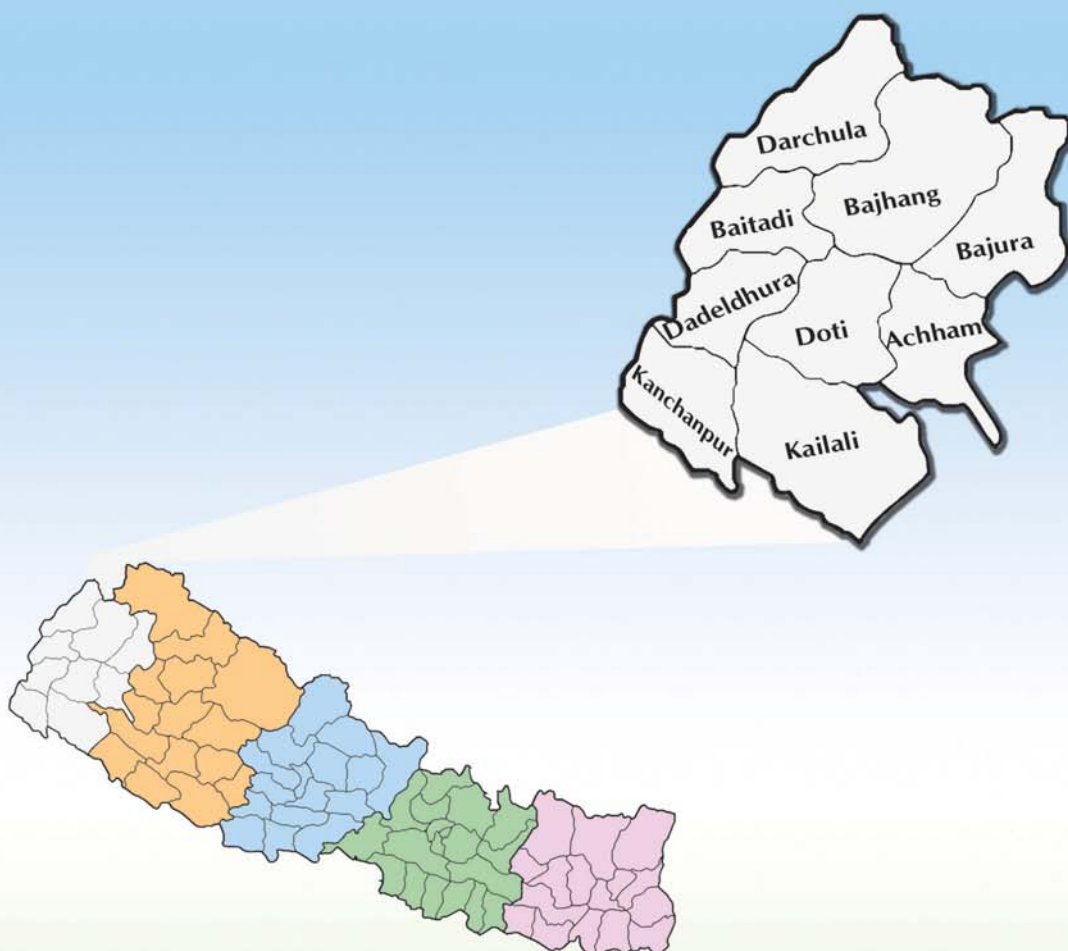
Types of Event	By YCL				By Unidentified Group			
	No. of Events	Male	Female	Total	No. of Events	Male	M/F N/A	Total
Injured	3	5		5				
Beatings	2	2	1	3	1	1	3	4
Threats	1	1		1				
Right to Assembly	2	14	4	18				
Abduction	2	2		2				
Total	10	24	5	29	1	1	3	4

case was decided this year and 10 cases remained undecided.

Similarly, of the seven civil cases filed this year, one case was decided and six cases remained undecided till the end of the year.

CHILD RIGHTS

Sanutasi Tamang, 14 and Laxman Tamang, 15, of of Ramche VDC-3 were arrested by police on 2 April on charge of pelting stones at a patrolling police van during the CA elections from Rameche VDC-8. They were released eight days later. The boys said they were taken to participate in an election programme for the Maoists.



5. FAR WESTERN REGION

- 5.1 Kailali
- 5.2 Achham
- 5.3 Doti
- 5.4 Bajura
- 5.5 Bajhang
- 5.6 Kanchanpur
- 5.7 Dadeldhura
- 5.8 Baitadi
- 5.9 Darchula

5.1

Kailali



Population : 836,877

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 3,235

Number of VDC(s)/Municipality(ies) : 42/2

Number of School(s) : 465/99

Campus(es)/Higher Secondary School(s) : 4/18

Hospital(s)/Health Post(s) : 2/49

Human Development Index : 0.413

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING/FIRING

By State

Jaga Ram Chaudhary, 26, Raj Kumar Chaudhary, 24, of Urma VDC-3 and Ram Brikh Rana, 47, of ward number 1 of the same VDC were killed by police fire on 28 May at the gate of the District Administration Office. Police opened firing during a clash between police and locals of the VDC. The locals were protesting against the journalists who were demanding security at the District Administration Office. Journalists had began to demand security after Maoist cadres had attacked and beaten the publisher and editor of Hamar Paura daily for writing unfavourable news in Shree

Nepal Times daily and Dhangadhi Post.

Ashok Chaudhary, 23, Amrit Kumar Chaudhary, 19, Anil Chaudhary, 24, and Sunil Chaudhary, 24, of Urma VDC-3, Ram Bahadur Chaudhary, 32, of Urma VDC-1, Shree Ram Chaudhary of Urma VDC-2, Gopal Chaudhary and Budha Ram Chaudhary of Urma VDC-3 were injured by police fire. Shree Ram Chaudhary and Ram Bahadur Chaudhary underwent treatment in Kathmandu while Badhur Chaudhary, Madhu Ram Chaudhary, Gopal Chaudhary, Jeet Bahadur Chaudhary and Amrit Bahadur Chaudhary underwent treatment at Kohalpur Medical College Nepalgunj. The rest of the victims received treatment at Seti Zonal Hospital, Dhangadhi. After the incident the District Administration Office imposed a curfew in Dhangadhi city area from 28-30 May in order to control the situation. The victim's families took the dead body from the area following an agreement to provide Rs million as compensation for the families. All the newspapers of Kailai district suspended publication for three days from June 1 citing security threats. Publication resumed only after an agreement was reached between the Maoists and Central Team of the Federation of Nepalese Journalists to create a conducive environment for independently collection and dissemination of information.

Locals of Urma VDC and officials of the Temple Management Committee attacked journalist Chaudhary on 26 May. He was beaten for writing unfavourable news about the temple and the pond of Urma VDC. A clash occurred between locals following the beating. Secretary of the Bedahababa Temple Management Committee Ratan Khati of Urma VDC-2 was injured in the incident. The victim underwent treatment at Seti Zonal Hospital Dhangadhi. The victim was beaten by Maoist cadres and locals during a meeting held at District Administration Office.



Table : 1

Types of Event	By Non-State								By State			
	By Others				By Maoists							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	3	2	3	5					1	3		3
Injured	3	6	1	7	1	5		5				
Arrest & Torture									4	8	1	9
Beatings	5	6		6								
Threats	3	2	1	3	2	1	2	3				
Right to Assembly	1	1		1	2	4		4	1	9	1	10
Racial Discrimination	3	5		5								
Women Rights	6		6	6					1		1	1
Child Rights	1		1	1								
Inhuman Behaviour	3	5		5								
Abduction	5	4	2	6								
Total	33	31	14	45	5	10	2	12	7	20	3	23

INJURED IN SHOOTING/EXPLOSION

By Maoists

Ratan B.K, 34, Dev Bista, 28, Tapendra Bohara, 10, Prakash Yogi, 3, and Dev B.K, 59, of Sugarkhal VDC-2 were injured when a bomb hidden by Maoists in the house of Manoj Shahi of ward number 2 of the same VDC went off on 2 June. Among the injured Dev Bista, Tapendra Bohara, Dev BK and Ratan BK received treatment at Lamki Primary Health Centre while Prakash Yogi was treated at Kohalpur Medical collage Nepalgunj. Three shops and one concrete house were totally destroyed in the explosion.

By Unidentified Group

As many as two persons were injured in Shooting/Explosion by unidentified group this year. Padam Raj Joshi, 33, of Dhangadhi municipality-5 was shot by a group of unidentified persons on 14 February at the victim's house. The perpetrators shot two bullets Joshi's chest. Joshi was treated in Seti Zonal Hospital. The police however were not able to arrest any persons involved in the incident by the end of the year.

By Abandoned Bomb

Krishna Buda, 22, of Sugarkhal VDC-2 was injured in the explosion of abandoned bomb at the same place on 24 September. The explosion took place while the victim was playing with the bomb in his hand. Three fingers of the right hand of the victim were destroyed in the explosion. The victim was treated at Seti Zonal Hospital Kailali after receiving first aid in Sugarkhal Health Post.

JAIL AND DETAINEES

The "D" grade District Jail has 64 male and six female convicts and 72 male and three female detainees by the end of the year. There are a total of 145 convicted and detained inmates in the Kailali Jail. There is one dependent child in the jail as well. Inmates in the jail are provided with the facilities of water, toilet, electricity, health services, newspapers, radio, television and sports materials.

Eighteen inmates of the jail, who were involved in the mutiny at Riot Control Battalion in Nepalgunj, organized a hunger strike in the jail from 16 October in order

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By ANNISU-R			By Youth Force				By YCL			By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing											1		1	1
Injured											2	2		2
Threats	1	1	1	2	1	1	2							
Right to Assembly								1	1	1				
Abduction				1		2	2	1	1	1	1	1		1
Total	1	1	1	3	1	3	4	2	2	2	4	3	1	4

to pressurize for their release. However, they called off their strike on 17 October after Prime Minister Puspa Kamal Dahal assured them that their demand would be met. Five detainees Dhan Bahadur Malla of Fulbari VDC-6, Keshab Karki of Bhimdatta municipality, Matenna-9, Gopal Soni of Nepalgunj, Khujariya Rakaya-4, Rajendra Rawat of Krishnapur VDC-1 and Jaya Bahadur Rokaya of Shripur VDC-5 Kalikot were injured in a clash between inmates. The victims informed INSEC that they were beaten by a group of 15/20 people because they dared to voice their concerns about alleged irregularities in running of the jail. The injured detainees were treated at Seti Zonal Hospital Kailali.

DISAPPEARANCE/ABDUCTION

By YCL

Narad Bohara of Dhangadhi municipality-2 was abducted by YCL cadres on 19 September from his house on charge of trafficking a woman to India. The victim was handed over to Ward Police Station, however Bohara escaped from police custody on 20 September. Stating that the jail administration helped the victim to flee from the jail, National Dalit Network said it is illegal to help the perpetrator to flee from the jail instead of taking appropriate action. The DPO confirmed that action had been taken against police personnel Kalpana Deujha, Bhoj Bahadur Saud, Uttam Saud and

Keshab Mahara for their involvement in the incident. However it was not specified exactly what type of action was taken against them.

By Youth Force

Sanu Gurung of Dhangadhi municipality-3, Bisalnagar was abducted by Youth Force Cadres on 25 September from Parash Medical Hall Dhangadhi on the charge of alleged involvement in sale of narcotic drugs. Youth force cadres have confiscated narcotic drugs like korax, Prxin from her. She was released from Alenchowk on the same day on condition of that she would refrain from selling narcotics in the future. Youth Force cadres destroyed confiscated narcotic drugs on Alenchowk Kailali.

By Unidentified Group

Chairperson of Revolutionary Journalist Association Kailali Chapter and the Editor of Far Western Edition of Jana Disha national daily Jagat Prasad Joshi, 30, of Malakheti VDC-3 Malikatole was disappeared from 8 October from Attariya bazaar area of Kailali. Joshi, who took 65 thousand rupees from Lokendra Rawat a businessman of Malakheti VDC-3 Aatariya to go to Kathmandu, has been missing since then. The victim's families appealed to the government to find the whereabouts of Joshi. Joshi's younger brother Puspha Raj Joshi also filed an application at



INSEC's Far Western Regional Office. Issuing a press statement INSEC appealed to all concerned stakeholders to initiate efforts to discover the whereabouts of Joshi. Shortly after, a mobile phone, an identity card, a driving license, shirt and pants of Joshi were found in community forest located in Malakheti VDC-3 on 28 November. Joshi's younger brother has filed a complaint against Lokendra Rawat a business man of Malakheti-VDC-3 Aatariya at the DPO alleging his involvement in the killing. The alleged killer Lokendra Rawat was sent to jail in accordance with the order of the District Court Kailali for further investigation. The remains believed to be of late Joshi were sent for DNA test. However the report was not received by the end of the year.

THREATS/BEATINGS

By Maoists

As many as three persons were threatened/beaten by Maoists this year. The editor of Sudur Sandesh national daily and vice chairperson of Press Chautari Nepal Hemanta Poudel was given a death threat by Maoist cadres on 25 May at the victim's office on charge that he had written anti Maoist news to various newspapers published in Dhangadhi. Following the incident an agreement was reached between the Central Team of the FNJ and the Maoists on 4 June that the latter would not intimidate and beat journalists to create conducive environment for collection and dissemination of independent news.

By ANNISU-R

The principal of Panchodaya Higher Secondary School Yadab Prasad Joshi of Dhangadhi municipality-5 was threatened and ordered to resign from his post by cadres of ANNISU-R on 24 August on charge of not being qualified to hold the post. As a result the victim resigned from his post on 26 August. +2 level

students locked the college demanding reinstatement of the Principal from 3 September. He was reinstated to the post by School Management Committee following the incident. ANNISU-R claimed that they did not threaten the victim and they only advised him to resign as he did not have necessary qualification for the post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Leader of ANNFSU (Sixth) Rajendra Singh was arrested without arrest warrant by police personnel on 1 February on charge of torching the chair of the District Education Officer while protesting in front of the District Education Office. Police filed a public offense charge against Singh. Students of the organization organized a protest programme demanding release of the victim. On 5 February Lokendra Lamsal, Lal Bahadur Chhetri, Min Bahadur Malami, Ram Bahadur Karki, Jagat Joshi, Surendra Tadi, Basanta Bogati, Laxmi Neupane, Subash Bhatta, Niranjana Bhul, Rajendra Singh were arrested when they reached the District Administration Office for a discussion about Singh's release. All the arrested persons were released following a meeting of seven political parties, chiefs of security agencies, human rights activists and journalists on the next day. Police also dropped the charges against Singh.

By Maoists

Cadre of RJP, Ramdin Chaudhary and Yagya Chaudary of Urma VDC-7 Dhurjanna were beaten by Maoist cadres led by Bintiram Chaudhary on 6 April on the charge of being involved in publicity RJP during the election of the constituent assembly. The victim was taken to

Dhurjanna jungle in the night-time and badly beaten. The victim had not filed a complaint by the end of the year.

By YCL

A team of CPN (United) led by the Candidate of Kailali constituency-5 in the election of the constituent assembly, Hukum Bahadur Saud was manhandled by YCL cadres led by Gokrana Bhatta on 1 April at Beladevipur VDC while the victim was organizing a door to door campaign for the election of the constituent assembly. Issuing a press statement Central Committee Member and Far Western Regional leader of the party Om Prakash Pun condemned the incident. However Maoists said that they did not manhandle the victim and only the local people had expressed dissatisfaction.

RIGHT TO PROMPT AND FAIR TRIAL

74 criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, 19 cases were decided this year and 55 cases remained undecided. Similarly, 42 criminal cases, where the individual is plaintiff, were filed this year. Of which, one case was decided this year and 41 cases remained undecided. Among the total 116 criminal cases, where the individual is plaintiff, 96 cases remained undecided by the end of this year.

83 criminal cases were brought forward from the last year in the District Court. Of which, 21 cases were decided this year and 62 cases remained undecided. Similarly, 57 criminal cases were filed this year. Of which, 4 cases were decided and 53 cases remained undecided. Among the total 140 criminal cases, 115 cases remained undecided by the end of this year.

134 civil cases were brought forward from the last year in the District

Court. Of which, 19 cases were decided this year and 115 cases remained undecided. Similarly, 58 civil cases were filed this year. Of which, one case was decided and 57 cases remained undecided. Among the total 192 civil cases, 20 cases were decided and 172 cases remained undecided by the end of this year.

Among the total 448 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 383 cases remained undecided by the end of this year at the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

By State

District President of Youth Force Ganesh Hamal of Dhangadhi municipality-2 and Youth force members Samrat Singh and Birendra Singh of Dhangadhi municipality-1 were tortured by the police on 20 October after being arrested at Ward police post Dhangadhi on charge of beating policeman Bir Jeet Chunara. Hamal had beaten the policeman Chunara when he obstructed them from going to the cells to give a jacket to Arjun Malla, who was detained there for investigation of a robbery case. Chunara underwent treatment at Seti Zonal Hospital, while Hamal underwent treatment in Kathmandu. DPO Kailali filed a criminal case against Ganesh Hamal and Samrat Singh. The duo were released on 23 October after submitting a bail. However Birendra Singh, for whom an arrest warrant has been issued by the police, remains at large by the end of the year.

By Youth Force

District Forest Officer Man Bahadur Khadka was manhandled by cadres of Youth Force on 25 November at the victim's office on charge of authorizing of felling of a rare catechu tree of the

forest of Urma VDC Kailali. Civil servant organizations of Kailali organized a protest programme for two days from 26 November demanding that action be taken against the perpetrator. UML district committee took moral responsibility of the incident and expressed commitment not to repeat such incidents in future. The government formed a three member probe panel led by Deputy Secretary of the Forest Ministry Rajan Kumar Pokhrel to probe alleged irregularities by Khadka. Though the probe panel recommended Khadka and other employees be suspended and the case investigated, political parties of the district claimed the report was biased and protested claiming that Khadka was innocent. Leaders of the political parties informed INSEC that the Home Ministry had formed a probe panel to reinvestigate the incident. However the committee had not started work by the end of the year.

By Others

District Education Officer of Kailali Dhurba Raj KC was humiliated by local residents on 15 May on charge of practicing prostitution from his office quarter. The victim was painted black and petrol was poured on his body before he was taken through the major thoroughfares of the city KC had been found with a girl in his room. The District Education Office informed INSEC that KC was asked to report at the Education Department in Kathmandu since 18 May.

CHILD RIGHTS

Santosh Chaudhary, 14, Sunil Chaudhary, 15, and Suresh Chaudhary, 17, of Pathariya VDC-2 Aamaura were arrested

without an arrest warrant and detained for one day by the patrolling police of Area Police Office on 10 February. They were suspected of involving in a robbery. The victims' parents claimed that the victims were tortured by police in custody. SI of Area Police Office Harka B.K refuted the claims that the children were beaten in custody.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

The dead body of Devika Rokaya, 21, of Dhangadhi municipality-12 Jugada was found in a jungle near her home on 10 April. The final rites for the victim were performed after the post-mortem in Seti Zonal Hospital on 11 April. Police arrested her mother-in-law Min Devi Rokaya, Father-in-law Prem Lal Rokaya and brother-in-law Suresh Rokaya for their alleged involvement in the killing. Of the arrested three persons Suresh Rokaya was released on 19 April after submitting bail, while other two were kept in detention in the district jail Kailali for further investigation by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Munni Devi Damai, 51, of Dhangadhi municipality-12 'C' village was beaten and verbally abused by Junga Bahadur Singh of the same place on 15 May. The victim had touched the perpetrator's water tap and as she was a so called lower caste he had been attacked. Both sides reached an agreement on the next day after the perpetrator apologized for his mistake and expressed commitment not to repeat such acts in the future.



5.2

Achham



Population : 261,363

Literacy(%) : 45

Women Literacy(%) : 25

Area(Sq. Km.) : 1,680

Number of VDC(s)/Municipality(ies) : 75/0

Number of School(s) : 377/8

Campus(es)/Higher Secondary School(s) : 2/18

Hospital(s)/Health Post(s) : 2/76

Human Development Index : 0.350

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has 12 male and one female convicts and three male detainees by the end of the year. There are a total of 16 convicted and detained inmates in the Achham Jail. The jail has the capacity to accommodate 25 inmates. Inmates in the jail are provided with the facilities of water, toilet, electricity, health services, newspapers, radio, television and sports materials.

DISAPPEARANCE/ABDUCTION

By YCL

As many as two persons were abducted by YCL this year. Ram Bahadur Kadayat, 25, of Sodasha VDC-4 was abducted by YCL on 17 January from his

home on the charge of causing problems between Maoists and local people as locals had barred Maoists from organizing a publicity programme in the village. However the victim was released on the same day at midnight. Hari Singh Kadayat, 58, Moti Kadayat, 36, and Dil Bahadur Kadayat, 35, of ward number 4 of the same VDC were also beaten by YCL cadres for creating obstacles to prevent the abduction. The victims underwent treatment at Sodasha health post. Addressing a public programme on 19 January, Maoist joint in-charge Jhankar Saud warned that they will kill all the persons who speak against Maoists.

THREATS/BEATINGS

By Maoists

As many as three persons were threatened/beaten by Maoists this year. Lal Bahadur Budha, 56, of Ramaroson VDC-3 was beaten by Maoist cadres on 4 April at Saini bazaar on the charge of taking part in the politics of UML. The victim was beaten while he was returning home from Sainibazar. The victim who received head injury received treatment at Santada Medical Hall. The victim filed a complaint against the perpetrators in Santada Police Post on 5 April. The victim and perpetrators reached an agreement on 6 April after the perpetrator agreed to provide the medical expenses for the victim.

Maoist cadre Jhankar Rawal had threatened to capture local radio station Ramaroson F.M located in Janalibandali VDC, on 30 March while addressing a public assembly organized in Janalibandali VDC. The perpetrator gave the threat alleging that the station had been giving one sided news. Following the threat Maoist cadres chanted slogans at Thulasain VDC near the FM station. Police personnel of DPO and APF personnel of Election Base Camp provided protection to the FM station until 10 April.



Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Arrest & Torture										2	2	2
Beatings	8	15	2		17	2	2		2			
Threats	2	1		1	2	1		1	1			
Right to Assembly	2	3			3					1	11	11
Racial Discrimination	1	1			1							
Women Rights	2		2		2							
Child Rights	1		2		2							
Abduction	2	2			2							
Total	18	22	6	1	29	3	2	1	3	3	13	13

By YCL

As many as 10 persons were threatened/beaten by YCL this year. Bir Bahadur Singh, 49, of Sodasha VDC -2 Madigada was beaten by YCL cadres on 13 January at the victim's shop on charge of demanding Rs 5,775 credit amount, which the perpetrator owes. The perpetrators also issued death threats to the victim's neighbors Guddu Rawal, 33, Dal Bahadur Rawal, 32, not to say anything against the Maoists. The victim had not filed complaint by the end of the year.

By UML

Dipak Duwal of Bhagyaswor VDC-1 was beaten by UML cadre Kripa Bohara of ward number 7 of the same VDC on charge of the victim taking decision to take action against him at the meeting of the Village Monitoring Committee. The perpetrator also tore up minute book of the meeting before beating the victim. The perpetrator said that he had beaten the victim as Duwal had made a unilateral decision against him in his capacity as the Maoist representative in the meeting. The victim filed a complaint against perpetrator on District Administration Office on 20

August. Both the sides reached into an agreement at Area Police Office Bayalpata on 31 August.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

By YCL

RPP candidate of the constituency number 2 Shyam Bahadur Shahi and candidate under PR system Min Bahadur Shahi were threatened and barred from organizing publicity programmes by YCL cadres on 26 March at Ami area of Bhairavsthan VDC claiming that they organized publicity programmes in their stronghold. Fearing for their security the victims stayed at Kunegadha police post of Raniwan VDC that day. The victims left the area without organizing publicity programme due to the threats.

Clash

Local people including Akendra Bista, Madan Roaka, Dal Bahadur Sah, Balae Dhungana, Gokerna Dhungana, Seru Bogeti, Rupi Bhat, Akendra Dhungana and Police Inspector Parshu Ram Tiwari,

police head constable Suresh Thapa were injured during a clash between police and locals on 22 August after locals tried to padlock the District Administration Office protesting long load shedding now. Police baton-charged on protestors as they were protesting the length of the power cut in the area after the transformer of electricity was damaged. The market area remained closed for an indefinite period following the incident. However, the market was opened from the next day after an agreement was reached between protestors and local administration.

RIGHT TO PROMPT AND FAIR TRIAL

Seven criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, six cases were decided this year and one cases remained undecided. Similarly, three criminal cases, where the individual is plaintiff, were filed this year. Of which, two cases were decided this year and one cases remained undecided. Among the total ten criminal cases, where the individual is plaintiff, two cases remained undecided by the end of this year.

Five criminal cases were brought forward from the last year in the District Court. Of which, four cases were decided this year and one case remained undecided. Similarly, two criminal cases were filed this year. Of which, one case was decided and one cases remained undecided. Among the total seven criminal cases, two cases remained undecided by the end of this year.

Six civil cases were brought forward from the last year in the District Court. Of which, three cases were decided this year and three cases remained undecided. Similarly, two civil cases were filed this year. Of which, one case was decided and

Table : 2

Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	1	1	1	3	10	10
Right to Assembly				2	3	3
Abduction				2	2	2
Total	1	1	1	7	15	15

one case remained undecided. Among the total eight civil cases, four cases were decided and four cases remained undecided by the end of this year.

Among the total twenty five cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, eight cases remained undecided by the end of this year at the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT By State

Nanda Singh Sunuwar of Jupu VDC-9 was arrested without arrest warrant and tortured by the police in custody on 6 September on charge of stealing Rs 3,000 and other goods equal to Rs 27,000 of Jammanna Luhar. Torture was inflicted so that the victim would confess. The victim was released on 8 September on the condition that he would return Rs 30,000 to Luhar. The victim filed a complaint at DPO. However no action had been taken against the perpetrator by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN Domestic Violence

Aarati Thakulla of Baradadivi VDC-5 was severely tortured by her husband Lokendra Thakulla for no reason on 28 October. The victim filed a



complaint against the perpetrator at Area Police Post Bardadevi which stated that the perpetrator had been inflicting such torture on her since 28 April, 2005.

Basundhara Regmi, 22, of Marku VDC-1 has been missing since 28 June after she was taken to India by her own husband Sesh Raj Regmi. According to the victim's father the perpetrator, who was studying in 'Mahoda Mahafalia Gujarat Shanti Mandir' had taken the victim to India. The victim was made pregnant by her own father-in-law Dilliraj Regmi, 58, and forced her for an abortion. The victim's father filed a complaint on 6 July and again filed a complaint at the DPO on 17 December against the perpetrators. Police Inspector of DPO Prem Bahadur Karki informed INSEC that the perpetrator's father was given 25 days within which to call the perpetrator to Nepal. However the victim had not returned by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Bhim Bahadur Bishowkarma, 40, of Ridikoat VDC-5 was humiliated by Birendra Kumal, 25, of ward number 4 of the same VDC on 2 September for being a Dalit, a so-called lower caste person. The victim filed a complaint at the Area Police Office Bayalpata on 3 September demanding that action be taken against the perpetrator. However both the sides reached an agreement on the same day on the condition that the perpetrators would not repeat such humiliating behavior in the future.



5.3

Doti



Population : 245,288

Literacy(%) : 47

Women Literacy(%) : 24

Area(Sq. Km.) : 2,025

Number of VDC(s)/Municipality(ies) : 50/1

Number of School(s) : 322/17

Campus(es)/Higher Secondary School(s) : 1/16

Hospital(s)/Health Post(s) : 4/51

Human Development Index : 0.420

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has 11 male and one female convicts and five male detainees by the end of the year. There are a total of 17 convicted and detained inmates in the Doti Jail. The jail has the capacity to accommodate 45 inmates. The inmates have proper facilities of water, electricity, toilet, library, health check up services, newspapers, radio, television and sports materials. Different organizations including INSEC have been providing publications and bulletins related to human rights to the inmates. The District Development Committee has established a library at the jail.

Types of Event	By Non-State									By State			
	By Others					By Maoists							
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Beatings	2	2			2	1	1		1	1		1	1
Threats						1		1	1				
Racial Discrimination	7	9	6	25	40								
Women Rights	2		2		2					1		1	1
Child Rights	2		2		2								
Economic, Social and Cultural Rights										1	1		1
Total	13	11	10	25	46	2	1	1	2	3	1	2	3

THREATS/BEATINGS

By Maoists

As many as two persons were threatened/beaten by Maoists this year. UML District Committee Member Gorakh Sarki, 32, of Toleni VDC-6 was given death threats by Maoist cadres led by Kushal on 22 February on charge of refusing to accept the Maoist membership. The victim appealed to INSEC for security for his life. However the District level leadership of the Maoists refuted the claims and stated that Maoist cadres did not issue such threats to the victim.

By UML

Maoist cadre Min Bahadur Khadka, 22, of Saraswotnagar VDC-9 was beaten by 12 UML cadres led by Kalu Singh Khatri on 30 October on charge of threatening UML cadres during the period of Maoist insurgency and taking forceful donations. The victim informed INSEC that the perpetrators also looted Rs 22,000 from him. The victim filed a complaint against perpetrators at Police Post Jarayal demanding that action be taken against the perpetrator. However both sides reached an agreement on 24 November after the perpetrator agreed to return the money taken from the victim and also expressed commitment not to repeat such acts in the future. Three UML leaders including

former Member of the National Assembly Mohan Bom and three leaders of Maoists including Dipendra Chalaune signed the agreement paper.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

Of the four criminal cases, where individual is plaintiff, brought forward from last year, three cases were decided this year and one case remained undecided by the end of the year.

Among the 15 criminal cases including seven cases brought forward from last year and eight cases filed this year, one case was decided this year and 14 cases remained undecided by the end of the year.

Similarly, in civil cases, 14 civil cases including six cases brought forward from last year and eight cases filed this year only one case was decided this year and 13 cases remained undecided by the end of this year.

Among the total 33 cases including criminal cases, where individual is plaintiff, criminal cases and civil cases, 28 cases remained undecided by the end of this year at the District Court.

Appellate Court

No criminal cases, where the individual is plaintiff, were filed this year.

Of the four criminal cases, where the individual is plaintiff, three cases were decided by the end of the year and one case remained undecided.

Among the total 88 criminal cases including 43 cases brought forward from last year and 45 cases filed this year, 19 cases were decided by the end of the year and 69 cases remained undecided.

65 civil cases were brought forward from last year at the Appellate Court, of which 57 cases were decided by the end of the year. No new civil cases were registered this year.

Among the total 157 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 78 cases remained undecided by the end of this year.

CHILD RIGHTS

One 14-year-old girl of Gaihragau VDC-1 was raped and made pregnant by Chama Bhul, 48, of wagalek VDC-3 on 23 December. The victim's brother filed complaint against the perpetrator in the DPO on 16 June after a test conducted at the District Health Office Doti revealed that the girl was pregnant. The perpetrator was sent to jail as per the order of the District Court Doti on 7 August as the case is on trial at the District Court. The girl has been staying at WOREC, a NGO working in the field of women rehabilitation after having an abortion at the Seti Zonal Hospital at the initiation of human rights activists and women rights activists.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Jamuna Sop, 40, of Dhirkamandu VDC-9 was beaten by her own husband Gore Sop on 12 December at their home. The victim received treatment at local medical hall. The victim filed a complaint at the Chabarachautara Police Post on the same day. Police arrested the perpetrator on 31 December. As the perpetrator did not accept his wife back into the home, she has been staying at the residence of her relative at Dipayal Silgudhi municipality-3 along with one son and one daughter.

ALL KINDS OF RACIAL DISCRIMINATION

On 29 June Kailee Nepali, 29, of Dipayal Shilgadi municipality-1 was humiliated by Prakash Shrestha, 35, of ward number three of the same municipality when she attempted to fetch water from a public tap saying she was a member of a so called lower caste. The perpetrator also broke the water pot of the victim and verbally abused her.

The victim filed a complaint against perpetrators at DPO on 30 June on charge of racial discrimination. However both the sides reached into an agreement on 2 July at DPO after the perpetrator agreed to express a written commitment not to repeat such incidents in the future and also agreed to pay Rs 150 to replace her broken water pot.



5.4

Bajura



Population : 124,193

Literacy(%) : 37

Women Literacy(%) : 25

Area(Sq. Km.) : 1,188

Number of VDC(s)/Municipality(ies) : 27/0

Number of School(s) : 201/3

Campus(es)/Higher Secondary School(s) : 1/3

Hospital(s)/Health Post(s) : 1/27

Human Development Index : 0.310

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION By Abandoned Bomb

YCL cadre Lal Bahadur Rawat, 22, of Gudukhati VDC-5 and Dala Dhami, 23, of ward number 9 of the same VDC were injured when a socket bomb went off on 8 April at the house of Maoist area in-charge Lal Bahadur Rawat of same VDC. The victim, who received injuries in head, hand and eye, received treatment in India.

JAIL AND DETAINEES

The "D" grade District Jail has eight male and one female convicts and seven male detainees by the end of the year. There are a total of 16 convicted and detained inmates in Bajura Jail. The jail has

the capacity to accommodate 25 inmates. The jail building is in a dilapidated condition. Although the inmates have the facility of drinking water, it is not properly managed. Inmates in the jail are provided with facilities of regular health check ups, radio, television and Carom-board.

THREATS/BEATINGS

By Maoist

As many as six persons were threatened/beaten by Maoists this year. An employee of Radio Bajura Harka Bahadur Oli, 39, was threatened by Maoists not to broadcasted news against Maoists on 22 August. Maoists expressed reservations over a news item concerning the fact that the 'Prime minister's bed was being brought from China' which was broadcast on the Halkhabar programme on the same day. Police provided protection to the victim for some time following threats from the Maoist cadres. The Radio station stopped broadcasting the programme for four days from 26 August.

By NC

As many as 12 persons were threatened/beaten by NC this year. Gaganae Chadara, 32, Karna Chadara, 30, Nara Chadara, 26 and Kali Chadara, 26, of Jugada VDC-3, Nuwakot were beaten by NC cadre who included Dabala Bhandary, Kido Karki and Tulae Karki of the same place on 14 April on charge of not casting votes for NC in the CA election. The victim filed a complaint at the District Administration Office against the perpetrators on 16 April. However the meeting of the seven political parties held at the District Administration Office on 23 April made the decision not to punish the perpetrator as the issue was political. No action had been taken against the perpetrators by the end of the year.

Table : 1

Types of Event	By Non-State										By State			
	By Others					By Maoists								
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total
Killing	2	2			2									
Injured	1	2			2									
Arrest & Torture											1	1		1
Beatings	8	21			21	1	1			1				
Threats						5	4		1	5				
Right to Assembly						1		1		1				
Women Rights	4		4		4									
Child Rights	3		1	5	6						1	3	1	4
Total	18	25	5	5	35	7	5	1	1	7	2	4	1	5

Table : 2
Based on statistics 'By Non-State'
mentioned in Table : 1

Types of Event	By NC		
	No. of Events	Male	Total
Beatings	3	12	12
Total	3	12	12

RIGHT TO PROMPT AND FAIR TRIAL

There were a total of 18 criminal cases, where the individual is plaintiff, at the District Court. Of the total cases one case was brought forward from previous year and 17 cases were filed this year. Of which, eight cases were decided this year and 10 cases remained undecided.

No criminal cases were brought forward from the last year in the District Court. Seven criminal cases were filed this year. Of which, two cases were decided this year and five cases remained undecided.

One civil case was brought forward from last year in the District Court. That was decided this year. Similarly, ten civil cases were filed this year. Of which, none of the cases were decided this year and ten

cases remain undecided. Among the total 11 civil cases, one case was decided this year and ten cases remained undecided by the end of this year.

Among the total 36 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 25 cases remained undecided by the end of this year at the District Court.

CHILD RIGHTS

The study of over twenty thousand students of the district was adversely affected due to shortage of text books for the first three months of the beginning of the academic year. There was shortage of textbooks as *Janak Shiksha Samagri Kendra* and its distributing agencies failed to supply text books. The students also staged a sit-in protest in front of District Education Office on 17 and 18 June demanding easy access for text books. The protest was withdrawn after District Education Office assured the students that they would make text books accessible through coordination with concerned authorities.

Thumkala Sanai of Kotila VDC-1 killed a newly born child on 3 August.

She killed the baby, who was born as the result of an illegitimate relation. Police arrested her on 4 August and she was sent to District jail by the end of the year.

Man Bahadur Thapa, 9, of Martadi VDC-6, Thapawoda was beaten cruelly by a hotel owner Fuji Jaisi on 16 November on the charge of stealing goods from her shop. The boy became unconscious when the perpetrator beat him during the time of assembly at local Primary School, where he was studying. The principal of the school Sushila Budathapa condemned the beating and filed a complaint at the Child Protection Committee and the Community Police Office. The perpetrator duly apologized for the act.



5.5

Bajhang



Population : 193,103

Literacy(%) : 41

Women Literacy(%) : 22

Area(Sq. Km.) : 3,422

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 301/9

Campus(es)/Higher Secondary School(s) : 1/24

Hospital(s)/Health Post(s) : 1/46

Human Development Index : 0.343

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "E" grade District Jail has seven male and one female convicts and twelve female detainees by the end of the year. There are a total of 20 detained and convicted inmates in the Bajhang Jail. The jail has the capacity to accommodate 25 inmates. Inmates in the jail are provided with facilities of drinking water, toilet, electricity, newspapers, sports material and regular health check up.

THREATS/BEATINGS

By State

As many as three persons were threatened/beaten by State this year. Vice president of Free Student Union Jaya Prithvi Campus Roshan Khadka, 20, and ANNFSU member Tejendra Khadka were brutally beaten by policemen on 12 September on charge of being UML cadres. The victims received blue and red bruising on their bodies. The victim filed a complaint against the perpetrators at the District Administration Office on 13 September. However both sides reached an agreement after Chief District Office Chandra Prasad Gaire expressed commitment not to repeat such incidents in the future.

By Maoist

As many as nine persons were threatened/beaten by Maoists this year. President of Dalit Upliftment Society Ganesh B.K, 34, of Chainpur VDC-1 was beaten by Maoist cadres on 14 March at the same place as revenge for beating Maoist cadre during the period of Maoist insurgency. The victim, who was injured in the beating, received treatment at community health post. The victim filed a complaint against the perpetrators at District Administration Office. However no action was taken against the perpetrators by the end of the year.



Table : 1

Types of Event	By Non-State									By State			
	By Others					By Maoists							
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	M/F N/A	Total
Arrest & Torture										3	5		5
Beatings	5	8			8	3	7		7	2	3		3
Threats	2	2			2	2	2		2				
Right to Assembly						1	1	15	16	1	1	24	25
Racial Discrimination	7	3	3	385	391								
Child Rights	1		1		1								
Total	15	13	4	385	402	6	10	15	25	6	9	24	33

By UML

District chairperson of ANNFSU Lokendra Sing, 26, of Lamatola VDC-2 was beaten by UML cadre Pankaj Bhandari, 29, of Pauwagadhi VDC-8 on 15 April on the charge of misappropriating Rs 23,000 belonging to the party. The victim underwent treatment at community health post. However both the sides reached into an agreement at the UML party office after the victim declared that he had not embezzled the money.

BY NC

Mithun Bahadur Nepali, 19, of Chainpur VDC-1 was beaten by NC cadre Birat Singh, 30, of Kandel VDC-7 on 29 March on the charge of being a UML supporter. The victim was beaten following a dispute which occurred during a discussion on political matter. The victim underwent treatment at health post situated in District Headquarter. The police arrested the victim instead perpetrator and an understanding was reached after taking him into the police post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

UML cadres including Ishwor

Dulal, 25, of Riluv VDC-1 were baton-charged by a police team of DPO led by police Inspector Ramesh Bahadur Sing on 28 March at Chainpur VDC-1 in front of the health post. The victims had been chanting slogans loudly during the publicity campaign during the CA election. Similarly, one media person and 21 other UML cadre including Satya Raj Khadka of Kotdewal VDC-4, Yen Bahadur Mahar of Subeda VDC-2, Janak Raj Joshi of Malumela VDC-2, Birendra Khadk of Hemantabada VDC-1, Prem Bahadur Singh of Melbisauni VDC-5 were also injured during the baton-charge. All injured victims underwent treatment at District Hospital. The perpetrator was suspended from regular duty during the period of election following pressure from UML to take action against the perpetrators.

Rabendra Bam, 31, of Rayal VDC-1 was beaten by Maoist cadre led by Hikmat Malla on 10 April on charge of expressing dissatisfaction while some Maoist cadres casting their vote twice in the CA election. The voting process was obstructed for two hours following the incident. The voting however resumed following an all party meeting.

RIGHT TO PROMPT AND FAIR TRIAL District Court

There were a total of 30 criminal

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By UML			By NC				By YCL		
	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Total
Beatings	1	1	1	1	1		1	1	4	4
Racial Discrimination				1		350	350			
Total	1	1	1	2	1	350	351	1	4	4

cases, where the individual is plaintiff, at the District Court. Of the total cases 12 cases were brought forward from the previous year and 18 cases were filed this year. Of which, nine cases were decided and 21 cases remained undecided by the end of the year.

Of the total 18 criminal cases including seven cases filed this year and 11 criminal cases brought forward from the last year one case was decided this year and 17 cases remained undecided by the end of the year.

69 civil cases including 20 cases filed this year and 49 civil cases brought forward from the last year were at the District Court this year. Of which, eight cases were decided and 61 cases remained undecided.

Among the total 117 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 99 cases remained undecided by the end of this year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Mangal Bahadur Sarki, 32, of

Chainpur VDC-6 was arrested without arrest warrant by police on 6 April from the residence of Secretary of Chainpur VDC-6 Rangalal Sarki and tortured in custody on charge of being involved in the publicity of UML during the CA election. The victim was released on 7 April. The victim received treatment at local health post. However the victim did not file any complaint by the end of the year as he had been threatened and feared for his security.

ALL KIND OF RACIAL DISCRIMINATION

District Chairperson of Dalit Women Organization Ashadevi B.K, 30, of Kailash VDC-5 was humiliated by a social mobilizer from the Women's Development Office Nirmala Josi, 21, of Chainpur VDC-1 on 29 April on the charge of entering into her home. The victim appealed to the Chief District Officer to take action against the perpetrator during a public programme on the same day. However no action had been taken against the culprit by the end of the year.



5.6 Kanchanpur



Population : 510,063

Literacy(%) : 65

Women Literacy(%) : 50

Area(Sq. Km.) : 1,610

Number of VDC(s)/Municipality(ies) : 19/1

Number of School(s) : 319/51

Campus(es)/Higher Secondary School(s) : 8/37

Hospital(s)/Health Post(s) : 3/21

Human Development Index : 0.463

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS JAIL AND DETAINEES

The "C" grade District Jail has 53 male and five female convicts and 47 male and five female detainees by the end of the year. There are a total of 110 convicted and detained inmates in the Kanchanpur Jail. However, the jail has the capacity to accommodate only 75 inmates. Inmates in the jail are facing problems due to the large number of inmates.

THREATS/BEATINGS

By State

As many as two persons were threatened/beaten by State this year. Cadre of ANNFSU Santosh Nath, 18, of Krishnapur VDC-2 was beaten by a group

of police personnel of Area Police Office in Gulariya on 26 June in the police office after a dispute with police personnel. Nath, who became unconscious in the incident, received treatment at Mahakali zonal hospital. Following pressure from students, police released the name of SI Hikmat Bohara, who was leading the police team at the time of incident. He was called to DPO and taken departmental action against him.

BY YCL

As many as five persons were threatened/beaten by YCL this year. A businessman Subash Chand, 22, of Bhimdatta municipality-10 was beaten by one YCL cadre on 9 February at the victim's shop after a dispute with YCL cadres. In protest of the incident local businessmen shut down Gaddachouki border for a day on 10 February. The protesting businessmen also attacked Maoist cadre Bharat Dhami. Issuing a press statement YCL refuted the claim that the victim was beaten and said that YCL cadre had had a minor dispute with him on the issue of the sale of alcohol.

By Youth Force

The Editor of Janakranti Daily Keshab Raj Joshi of Bhimdatta municipality-19 was threatened/beaten by Kanchanpur District Coordinator of Youth Force Ashok Chand and members of Youth Force Gayanandra Chand and Deepak Chand on 12 November at the victim's office after he published an article. The victim published news entitled 'Youth Force and Armed Police Take bribe' in the 11 November issue of Janakranti Daily. Issuing a press statement on 13 November Youth Force cadres said that the victim was not threatened and they had simply gone there to request him to correct the news.

Table : 1

Types of Event	By Non-State				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	2	1	2	3			
Beatings	6	10		10	2	2	2
Threats	1	1		1			
Racial Discrimination	1	1		1			
Women Rights	7		8	8			
Child Rights	4		6	6			
Inhuman Behaviour	1	1		1			
Abduction	2	2		2			
Total	24	16	16	32	2	2	2

By Nepal Student Union

District Committee Member of ANNFSU Jaya Singh Kunwar was beaten by Cadre of Nepal Student Union Harish Mali and YCL cadre Dambar Karki on 26 June at the same campus on charge of he made a politically charged speech during welcome programme at Jana Jyoti Campus Mahendranagar. ANNFSU cadres Dev Singh Kunwar, Dev Raj Pant, Paramananda Bhatta and Dharmananda Bhatta were also injured during the clash that took place after the beating. Injured people received treatment at Mahakali zonal hospital. Issuing separate press statements NSU and ANNISU-R denied their involvement in the incident. Harish Mali, who was injured during the incident, was released on 7 February.

RIGHT TO PROMPT AND FAIR TRIAL District Court

There were a total of 168 criminal cases, where the individual is plaintiff, in the District Court. Of the total cases, 62 cases were filed this year and 106 cases were brought forward from the last year. Of the total cases, 141 cases remain

undecided by the end of this year.

Similarly, there were a total of 206 civil cases in the District Court this year. Of the total civil cases 46 cases were filed this year and 160 cases were brought forward from the last year. A total of 181 civil cases remained undecided by the end of this year.

Among the total 374 cases including criminal cases, where the individual is plaintiff and civil cases, 322 cases remained undecided by the end of this year.

Appellate Court

45 criminal cases, where the individual is plaintiff, including 23 cases filed this year and 22 cases brought forward from last year were at the Appellate Court this year. Of which, three cases were decided and 42 cases remained undecided by the end of the year.

Similarly, there were a total of 55 criminal cases at the Appellate Court including 22 cases filed this year and 33 cases brought forward from last year. Of the total criminal cases of Appellate Court, two cases were decided this year and 53

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By NC			By Youth Force			By YCL		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Beatings	1	1	1				2	5	5
Threats				1	1	1			
Total	1	1	1	1	1	1	2	5	5

cases remained undecided by the end of the year.

10 civil cases including two cases filed this year and eight cases brought forward from the last year. Of which, no cases were decided by the end of this year.

Among the total 110 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 105 cases remained undecided by the end of this year.

CHILD RIGHTS

A 15-year-old girl and another 16-year-old girl of Bhimdutta municipality-9 were raped by Madan Nath, 22, and Karan Nath, 21, of the same municipality on 7 October. The perpetrators, who were arrested on the charge of rape, given a release order by acting clerk of the District Court Dilip Pant on 7 November after submitting Rs 54,000 on bail. However the decision was annulled by Judge of the District Court who gave detention orders to the perpetrators on 17 December. The perpetrators remained in District jail by the end of the year as the case is on trial at the District Court.

A 14-year-old girl of Laxmipur VDC-2 Chargaruwa was trafficked to India and sold to Chotalal Agrawal, 58, of Pilibhat India for fourteen thousand rupees by the victim's mother Janaki Jaisi, 32, Parbati Sarki, 65 and Ramkali Sarki, 30, of the same VDC on 18 June. However the

victim managed to escape with the help of her relatives and filed a complaint against the perpetrators at the District Court on 30 June. The court slapped Rs 200,000 fine and a 20 year jail term to Janaki and Parbati by the end of the year, while Ramkali and Chotalal remained at large by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Inhuman Behaviour

A 18-year-old girl of Darchula VDC was gang raped by Bikram Singh Nayak, 19, of Bhimdatta municipality-10 and Operator of Narmada Dairy Chintamani Joshi, 42, of ward number 4 of the same VDC on 18 July at Nepal Hotel. The girl, who came to Mahendranagar for higher education was taken on the pretext of meeting with her father but, after being taken to the Hotel, she was raped. Nayak was arrested the following day while Joshi was arrested on 28 August. The perpetrators were detained at the District Jail by the end of the year.

Kaliram Chaudhary, 35, of Shreepur VDC-1 and her wife Gulabi Chaudhary were beaten by their relatives on 9 October on the charge of practicing witchcraft on her relatives. Kaliram, who sustained severe injuries during the incident, died while being taken to Belaury for treatment. Gulabi underwent treatment at Primary Health Centre Belaury. Sancha Rana, 30, Saheb Rana, 25, Khusiram Chaudhary, 22, Shankar Rana, 20, Kamal Rana, 23,

Sukaram Rana, 23, Hariyan Rana, 35, and Rm Bahadur Chaudhari, 30, of Shreepur-1 were arrested on the charge of their alleged involvement in the incident. The perpetrators remained in custody by the end of the year.

Trafficking

Maya Thapa, 21, along with her 3-year-old son of Bhimdatta municipality-7 Haldukhal was trafficked to India by her husband Bhuwan Thapa on 4 May. However the victim managed to escape from India and filed a case against the perpetrator at a district court on 28 September. The perpetrator was arrested by police on 29 September and sent to jail by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Arjun Damai, 16, of Bhimdatta municipality -10 was badly beaten by a shopkeeper Ganesh Bista, 32, of the same place on 17 February for allegedly stealing a cap. The shopkeeper took the victim into his control and beat him with an iron rod. However the victim claimed that he was not beaten for stealing the cap but rather because he had touched the water. The injured victim was treated in R.B Memorial Hospital at Bhimdatta Nagar. The victim filed a complaint against the perpetrator at the District Court. However the perpetrator was released on bail by a court order on 9 March. A fact finding report published by the National Dalit Commission confirmed that the victim was beaten not for any robbery but because he had touched the water.



5.7 Dadeldhura



Population : 146,318

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 1,538

Number of VDC(s)/Municipality(ies) : 20/1

Number of School(s) : 226/11

Campus(es)/Higher Secondary School(s) : 1/17

Hospital(s)/Health Post(s) : 2/25

Human Development Index : 0.434

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

Clash

A clash occurred between Maoists, NC and UML at Bagbazar area of District Headquarter of Dadeldhura district on 30 March after a group of unidentified people collected and set ablaze flags of Maoist, UML, Jana Morcha Nepal, Rastriya Jana Morcha and RPP on 29 March. The clash occurred after the political parties blamed NC for burning the flags. Maoist district committee member Amar Bogati alias Sushil, District Chairperson of YCL AK Dhami alias Aathak of Jogbuda VDC-4, Mohan Bahadur Thagunna, Padam Rokaya, Ram Tamrakar, Santaram Bhatta, Prem Chunara, Tekraj Bhatta, Amar Bahadur Dhami and Representative of NC general convention Hari Prasad Bhatta, former Mayor Dambar Gairal, District chairperson



Table : 1

Types of Event	By Non-State								By State			
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	3		3		3							
Injured	2	19			19							
Beatings	1	1			1	4	11	11				
Right to Assembly	2	1		3	4				1	47		47
Racial Discrimination	1	2			2							
Women Rights	4		17		17				1		1	1
Child Rights	2	1	1		2							
Total	15	24	21	3	48	4	11	11	2	47	1	48

of Nepal Student Union Govinda Bohara, Chairperson of Nepal Tarun Dal Sher Bahadur Saud, Prem Mahat, Tirtha Shahi, Tek Raj Bhatta, Bhim Bahadur Dhat, Surat Bahadur Bohara and Manindra Aawasthi were injured in the clash. Maoist cadres vandalized the NC party's office at Bagbazar and one NGO named RUDUC. In retaliation police who had been deployed to ensure the security of NC office and NC cadres also vandalized the Maoist's party office situated at Tufandanda. The next day police imposed a curfew order from two pm in the afternoon to six pm in the evening in the area in order to control the situation. The dispute was resolved after an agreement was reached at the all party meeting held at the initiation of INSEC, FN J, Industry and Commerce Association of Dadeldhura, National Election Monitoring Alliance and the NHRC to take action against the perpetrators once an independent investigation of the incident had been conducted.

JAIL AND DETAINEES

The "D" grade District Jail has 10 male and one female convicts and 11 male and two female detainees by the end of the year. There are a total of 24 convicted and

detained inmates in the Dadeldhura Jail. The jail has the capacity to accommodate 25 inmates. There is one dependent child in jail by the end of the year. Inmates in the jail are provided with a colour television set, a radio set and carom-board. Inmates complained that they find it difficult to live in the jail as the rooms are too small for the number of inmates kept in it. There are two toilets in the jail; one for men and the other for women.

THREATS/BEATINGS

By Maoists

As many as 11 persons were threatened/beaten by the Maoists this year. UML cadre Bhakta Raj Bhatta, 45, of Koteli VDC-3 was injured as Maoist leaders Ram Phatak of same VDC-3 and Laxmi Datta Dhktha of same VDC-6 attacked him using a sharp weapon at his shop on 11 October. The victim's left hand was fractured and he also received injuries in chest and ear. The victim underwent treatment at Team Hospital Dadeldhura. The victim had filed complaint against the perpetrators in the DPO Dadeldhura on 12 October. However the perpetrators were released after submitting RS 20,000 bail on 22 December.

Table : 2
Based on statistics 'By Non-State' mentioned in Table : 1

Types of Event	By UML			By NC			By Unidentified Group		
	No. of Events	Male	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured							2	19	19
Beatings	1	1	1						
Right to Assembly				1	1	1			
Total	1	1	1	1	1	1	2	19	19

By UML

Chief of Dadeldhura Education Campus Arjun Kumar Basnet was beaten by a group of ten UML cadres including Bikram Shahi and Padam Pal on 5 December at Khalanga for issuing death threats to UML cadre. The victim was beaten while he was returning to his rented room from District Administration Office Dadeldhura. The victim however said that he had not issued threats to UML cadres. The perpetrator also filed a case alleging that the victim issued death threats to their cadres. A meeting held at the DPO on the same day ended inconclusively. DSP Lokendra Malla of DPO informed INSEC that they could not take any action against the perpetrators as the victim did not file complaint.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

A mass meeting being organized by independent Candidate of the CA election Ram Chandra Chataut at Amargadhi municipality-5, Bagbazar on 26 March was obstructed by NC cadres. The victim filed a complaint at the District Election Office on 27 March alleging that NC cadres tried to obstruct the mass meeting organized by him by chanting slogans near the venue. However no action was taken against NC activists.

RIGHT TO PROMPT AND FAIR TRIAL District Court

Four criminal cases, where the individual is plaintiff, were brought forward from the last year in the District Court. Of which, two cases were decided this year and two cases remained undecided by the end of the year. Similarly, 11 criminal cases, where the individual is plaintiff, were filed this year. Of which, seven cases were decided this year and four cases remained undecided. Among the total 15 criminal cases, where the individual is plaintiff, six cases remained undecided by the end of this year.

Seven criminal cases were brought forward from the last year in the District Court. Of which, all the cases were decided this year. Similarly, 16 criminal cases were filed this year. Of which, eight cases were decided this year and eight cases remained undecided. Among the total 23 criminal cases, eight cases remained undecided by the end of this year.

Two civil cases were brought forward from the last year in the District Court. Of which, all the cases were decided this year. Similarly, eight civil cases were filed this year. Of which, five cases were decided this year and three cases remained undecided by the end of this year. Among the total 10 civil cases, three cases remained undecided by the end of this year.

Among the total 48 cases including

criminal cases, where the individual is plaintiff, criminal cases and civil cases, 17 cases remained undecided by the end of this year.

CHILD RIGHTS

A 15-year-old girl of Belapur VDC-4 was raped and murdered by Shankare Luhar, 57, of the same place in near by Jungle on 31 January, police arrested the perpetrator on 26 January. The perpetrator, who confessed his crime, was sent to jail as his case is on trial following order of District Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

A 20-year-old girl of Laxminagar VDC-3 Bagasthi, who is also a student of Ghanteshwor Higher Secondary School Udikot, was mal-treated by owner of Greater Kailash Guest House Dadeldhura, Surendra Upreti, 22, on 19 May. Both the sides reached into agreement at the DPO after two days when the perpetrator pledged Rs 1,000 to the victim and also apologized publicly.

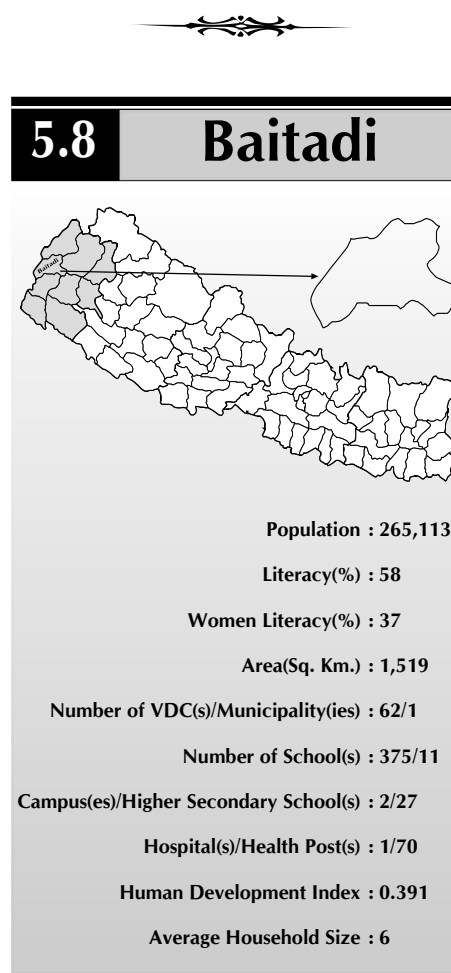
Domestic Violence

Asmita Damai, 18, of Koteli VDC-2 was killed by her own husband Tapandra Damai, 21, on 29 February at ward number 7 of the same VDC following a minor dispute. The perpetrator, who was the combatant of the Maoist's seventh division brigade of Sahajpur, was arrested by police on 5 May and sent to jail by an order of the District Court on 1 July for further investigation by the end of this year.

ALL KINDS OF RACIAL DISCRIMINATION

Mohan Damai, 48, of Amargadhi municipality-5, Bagbazar was mal-treated

by Santi Joshi, 30, of same place on 15 January at her shop. Acting upon a complaint filed by the victim at the DPO, police arrested the perpetrator on the same day. The perpetrator was released on the next day following an agreement between both the sides after the perpetrator apologized for the mistake and expressed commitment not to repeat such acts. The perpetrator also verbally abused Paras Jairo of Amargadhi municipality after he protested at her misbehaviour to the victim.



**CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING/FIRING
BY YCL**

Dev Bahadur Bista, 22, of Bijayapur VDC-7 was shot by YCL cadre Karna Dhami alias Kishor and Ramesh Mahara on 6 July at the same place following a minor dispute. The victim sustained a bullet injury and died while undergoing treatment at Baitadi District Hospital on 7 July. A final rite for the deceased was performed after the post-mortem in Baitadi district hospital on 8 July. The victim's families submitted a memorandum to the Home Ministry through the District Administration Office on 9 July demanding that action be taken against the perpetrators and compensation paid to the victim's families. However the police were not able to nab the perpetrator by the end of the year. Issuing a press statement on the same day, Maoist said that the incident had been against the party policy and also demanded that action be taken against the perpetrators.

INJURED IN SHOOTING/ EXPLOSION

Dev Datta Bhatta, of Bhatana VDC-7 was injured in an explosion of abandoned socket bomb at the same place on 30 October. The explosion took place while the victim was playing with an unidentified object. The victim received treatment at Sub Health Post of the same VDC. The police found 55 socket bombs during a search of the same place on 31 October and the Bomb Disposal Squad of the Nepali Army diffused all the bombs on 17 November.

JAIL AND DETAINEES

The "D" grade District Jail has 14 male and two female convicts and 19 men detainees by the end of the year. There are a total of 35 convicted and detained inmates in the Baitadi Jail. However, the jail only has the capacity to accommodate

25 inmates. Inmates in the jail are provided with the facilities of water, toilet and health service. The jail administration also informed INSEC that inmates are provided with regular health check ups.

DISAPPEARANCE/ABDUCTION

Maoist

As many as four persons were abducted by Maoists this year. VDC secretary of Talladehi VDC Rana Bahadur Bista, 35, of Bijayapur VDC was abducted by a group of 15 Maoist cadres led by Maoist area leader Ridaya on 29 January from the same VDC on charge of embezzling the fund. However he was released on the same day. Maoists informed INSEC that the victim was taken into control for sometime in order to make inquiries about his alleged involvement in corruption.

THREATS/BEATINGS

By State

As many as three persons were threatened/beaten by State this year. Jogi Chand, 69, of Giregada VDC-4 was beaten by a policeman of Balara police post on 28 May at the police post after having dispute with Bhuri Chand, 55, of the same VDC. The victim, who was injured in the police beating, was treated at Baitadi district hospital. The police informed INSEC that departmental action was taken against the police personnel for using excessive force and also that they had provided assistance in the treatment of the victim.

By Maoists

As many as 24 persons were threatened/beaten by Maoists this year. Dammer Sing Dhami, 46, of Thalakanda VDC-5, Lataula was beaten by Maoist cadre Sushil and Manoj on 1 April at Kotadhar of the same VDC for his involvement in UML party. The victim was taken away from his home and beaten badly. The victim also

Table : 1

Types of Event	By Non-State									By State		
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	5	4	1		5							
Injured	1	1			1							
Arrest & Torture										1	1	1
Beatings	6	9			9	9	19	2	21	2	2	2
Threats	1	1			1	2	3		3			
Right to Assembly	2	5		3	8	3	7		7			
Racial Discrimination	1	2			2					1	1	1
Women Rights	4		6		6							
Child Rights	1		1		1							
Cultural Rights						1	1		1			
Abduction	2		2		2	2	4		4			
Total	23	22	10	3	35	17	34	2	36	4	4	4

said that he stayed in the nearby jungle due to threats from the perpetrators. The victim did not cast a vote in election of the constituent assembly due to fear. The victim had not filed a complaint by the end of the year.

By YCL

As many as five cases of threats/beatings by YCL were reported this year. Lalit Bahadur Chand, 42, of Durgasthan VDC-2 Kaparta was beaten by YCL cadres on 31 January at Durgasthan bazaar for being a royalist. The victim underwent treatment at Baitadi District Hospital. The victim had not filed a complaint by the end of the year due to fear.

ARBITRARY ARREST

YCL cadre Nanda Raj Badu of Durgasthan VDC-4 was arbitrarily arrested and beaten by ASI Min Bahadur Singh from Durgasthan VDC-3, who is also in-charge of Dehimandu Police Post, on 14 March after having a dispute with health worker Raj Bahadur Chanda over a medical issue. The victim was arrested without being shown an arrest warrant and was beaten while being taken to the police post. The

victim underwent treatment at District Hospital Baitadi. Police said that they were compelled to use a minimum amount of force against the victim as he manhandled the health worker and also mistreated the arresting police personnel.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Maoist cadres barred a team of an independent candidate for the CA election Puskar Raj Joshi, 35, of Gwallek VDC on 29 March from making a publicity campaign at their base area. The perpetrators barred the victim's group from organizing publicity campaign when the latter reached Deulek VDC-3, Rikhali for publicity campaign for the election.

RIGHT TO PROMPT AND FAIR TRIAL

14 criminal cases, where the individual is plaintiff, were brought forward to the District Court from previous year and nine criminal cases, where the individual is plaintiff, were registered this year. Among the total 23 criminal cases, where the individual is plaintiff, five cases were decided this year and 18

Table : 2**Based on statistics 'By Non-State' mentioned in Table : 1**

Types of Event	By UML			By YCL				By Unidentified Group			
	No. of Events	Male	Total	No. of Events	Male	M/F N/A	Total	No. of Events	Male	Female	Total
Killing				1	1		1				
Injured								1	1		1
Beatings	1	1	1	2	2		2	1	4		4
Threats								1	1		1
Right to Assembly	1	2	2	1	3	3	6				
Abduction								1		1	1
Total	2	3	3	4	6	3	9	4	6	1	7

cases remained undecided by the end of the year.

Nine criminal cases were brought forward from previous year, while 12 criminal cases were filed this year. Among the total 21 criminal cases three cases were decided this year and 18 cases remained undecided by the end of the year.

15 civil cases were brought forward from previous year and two cases were filed this year. Among the total 17 civil cases five cases were decided this year and 12 cases remained undecided.

Among the total 61 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 48 cases remained undecided by the end of this year.

CHILD RIGHTS

A 30-year-month old child of Basantapur VDC-1 Kaddar was killed by his own father Ramsingh Mahara, 45, on 8 December. The victim was murdered after being attacked with an axe. The perpetrator was sent to jail for the trial of the case by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Trafficking

Mina Nath, 22, of Bhimdatta municipality-9 was trafficked by her own husband Gopal Nath, 25 to Ganga Datta Nath of Gokuleswor VDC-7 on 29 July. Police arrested both the perpetrators on 12 August. The perpetrators were sent to the District Jail as the trial of the case is ongoing at the District Court.

ALL KINDS OF RACIAL DISCRIMINATION

Ram Bhul, 25, and Bira Ram Bhul, 26, of Nwali VDC-3 was humiliated by a group of 15 locals including Mani Chand, 45, Maya Chand, 25, of Gurukhola VDC-3 on 25 April at the same VDC Kalauna for drinking water from the public water tap. The victims filed complaint about the incident at the District Administration Office. The perpetrators publicly apologized for their act in the presence representatives of the District Administration Office and District based Dalit organizations.



5.9 Darchula



Population : 140,932

Literacy(%) : 56

Women Literacy(%) : 37

Area(Sq. Km.) : 2,322

Number of VDC(s)/Municipality(ies) : 41/0

Number of School(s) : 287/4

Campus(es)/Higher Secondary School(s) : 1/7

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.411

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The "D" grade District Jail has six male convicts and five male and three female detainees by the end of the year. There are a total of 14 convicted and detained inmates in Darchula Jail. However, the jail has the capacity to accommodate 40 inmates. Inmates in the jail are provided with the facilities of water, toilet, electricity, health services, newspapers, sports materials, radio and television.

THREATS/BEATINGS

By Maoists

Village Committee Secretary of UML Pramananda Bhatta, 26, of Sikhar VDC-6 was beaten by a group of Maoist cadres led by Maoist District Committee

Member Lal Bahadur B.K on 15 January at Balacha Bridge on charge of participating in a publicity campaign. The victim was involved in a publicity campaign for UML which included a mass meeting slated for 16 January at Gokuleshwor area of the same VDC. The victim filed a complaint against the perpetrators at the District Administration Office on 24 January. However the perpetrator remains at large by the end of the year. Chief District Officer Yagna Raj Adhikari informed INSEC that they will again issue arrest warrants for the perpetrators and announce the verdict unilaterally if the perpetrator did not appear to the office. The office had already issued such a warrant two times.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

NC cadres led by Central Committee Member Dilendra Prasad Badu, 55, of Khalanga VDC-2, Narendra Prasad Dhama, 32, of Malikarjun VDC-7, Vice President of NC District Committee Jagdish Pal of Khalanga VDC-4, Krishna Prasad Bhatta of Khalanga VDC-4, Hementa Bista of Dhaph VDC-2, Sher Singh Dhama of Malikarjun VDC and Bhaga Datta Joshi of Latinath VDC-7 were beaten by nearly 300 people including fraternal organizations of the Maoists and locals on 5 February at the home of Dhanbir Sing of Latinath VDC-7 on the charge of making a publicity programme for the CA election in the base area of Maoists. The group encircled the home at a time when NC leaders and cadres were having lunch and the home was set on fire and the NC activists were beaten. Following the incident the perpetrators also chanted slogans against NC.

Police used 50 rounds of blank fire and opened 10 rounds of bullets

Table : 1

Types of Event	By Non-State								By State		
	By Others				By Maoists						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1		1	1							
Injured					2	14		14	1	3	3
Beatings					1	1		1			
Threats					1	9	1	10			
Racial Discrimination	4	4		4							
Child Rights	1		1	1	1		1	1			
Abduction	1	1		1							
Total	7	5	2	7	5	24	2	26	1	3	3

to disperse the protestors and bring the situation into control. The protestors looted one pistol, one 3 not 3 rifle, one communication set and 50 rounds of bullets from police during a clash between protestors and the security forces. At least 11 people including police officer Durga Datta Bhatta, Dan sing Saund, Mahendra Bhatta and Sher Sing Dhami were injured in the clash after police attempted to rescue the trapped NC activists from the torched house. Harka sing Dhami, 36, of same VDC-2, received bullet injuries during the clash. Similarly, Kamal Raj Joshi of Same VDC-2, Navaraj Dhami of Tapoban VDC-7 and Dhaulesingh Dhami of ward number 4 of the same VDC were also injured in the incident.

Severely injured victims Dilendra Prasad Badu, Nar Singh Dhami, Hemanta Bista, Durga Datta Bhatta, Dan Sing Sand, Mahendra Bhatta and Sher sing Dhami were airlifted to Kathmandu for further treatment on 6 February and underwent treatment at TU Teaching Hospital. Harka Sing Dhami, who received bullet injuries during the clash, was treated at Nepalgunj Medical Collage. Others received primary aid at District Hospital and local medical hall. Police recovered looted weapon on

10 February near the jungle but could not retrieve the communication set. Mohan Singh Dhami filed a complaint at the DPO demanding compensation worth Rs 3,076,990. The government decided to provide Rs 1 m for the loss of the house to Dhami but the victim had not received the compensation by the end of the year. Police arrested Nar Bahadur Bista, 16, and Krishna Sing Bista, 18, of Latinath VDC-2 on 11 February for their alleged involvement in the incident but they were released after submitting Rs 25,000 in bail by the order of District Court order on 26 February.

An all-party taskforce led by Shankar Pokhrel conducted an on-site monitoring mission and its findings determined that the Maoists were responsible for the incident. However, as the government withdrew the political cases registered during the period of armed insurgency, the government withdrew this case as well though it is not related with insurgency.

RIGHT TO PROMPT AND FAIR TRIAL

12 criminal cases, where the individual is plaintiff, were brought forward from last year in the District Court. Of which, eight cases were

decided this year and four cases remained undecided. Similarly, 10 criminal cases, where the individual is plaintiff, were filed this year. Of which, one case was decided this year and nine cases remained undecided. Among the total 22 criminal cases, where the individual is plaintiff, 13 cases remained undecided by the end of this year.

Eight criminal cases were brought forward from the last year in the District Court. Of which, three cases were decided and five cases remained undecided by the end of the year. Similarly, seven criminal cases were filed this year. Of which, one case was decided and six cases remained undecided this year. Among the total 15 criminal cases, 11 cases remained undecided by the end of this year.

13 civil cases were brought forward from the last year in the District Court and six civil cases were decided this year. Among the total 19 civil cases, five cases were decided and 14 cases remained undecided by the end of this year.

Among the total 56 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 38 cases remained undecided by the end of this year.

CHILD RIGHTS

A 14-year-old girl of Khar VDC-1 Dallake was raped by Jaya Sing Mahar, 37, of Guljar VDC-4 on 3 September

at the victim's home. The perpetrator entered into the victim's residence in the middle of the night and raped her. The victim's father Jagat sing Thaguna filed a complaint at the police post at Dallake on 7 September. The perpetrator was arrested by police on 29 September and sent to jail as per the order of the District Court as the case is on trial at the court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Haruli Devi Bista, 40, of Khar VDC-1 was killed by her husband, Mangal Singh Bista, 45, at Budi area of Byas VDC. The victim had been hit on the head by a stone. They were operating a hotel in the Tinkar area of Byas municipality. Police arrested the perpetrator on 7 November and he was sent to jail by the order of the District Court for the trial of the case. The last rites of the victim were conducted on 12 November following the post-mortem in District Hospital Khalanga.

ALL KINDS OF RACIAL DISCRIMINATION

Gagan Lal Luhar, 23, of Chhapari VDC was humiliated on 7 July by Indra sing Mahara, 44, of same VDC for touching the water pot to be filled by the public tap. However the victim had not filed any complaint against the perpetrator by the end of this year.



**Statistics of
Human Rights
Violation in 2008**

Annex

2

Annex 2.1 Number of Incidents and Victims

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing															
Beaten to Death	100	69	38		107	2	2			2	3	3			3
Beheaded	2	1	1		2										
By Bomb Blast	13	16	7		23										
By Giving Poison	6	1	6		7										
By Hanging	2		2		2										
By Own Bomb Blast	3	5			5										
By Using Sharp Weapons	69	48	36		84	2	2			2					
Crushing with Stone	10	6	5		11										
Hacked to Death	5	3	2		5										
Killed After Rape	11		14		14										
Killed In Land Mine	1	1			1						1		1		1
Killed by Firing	127	125	5		130						26	41			41
Killed in Clash	5	5			5										
Killed in Cross-fire											3	4			4
Nature of Killing Unexposed	37	24	14	2	40										
Pushing Down from the Landscape/Hill	1	1			1										
Setting Fire	6	3	3		6										
Slitting Throat to Death	8	4	5		9										
Squeezed to Death	6	4	2		6										
Striking Hammer	3	1	2		3										
Striking Khukuri	11	9	2		11										
Striking Lathi	15	11	4		15						1	1			1
Total	441	337	148	2	487	4	4			4	34	49	1		50
Injured															
Injured by Beatings	23	49	6		55	13	24	3		27	6	18			18
Injured by Blank Firing	1	1			1										
Injured by Bomb Blast	101	194	45	51	290	3	10	3	6	19	2		3		3
Injured by Firing	98	107	16		123						18	58	4	5	67
Injured by Own Bomb Blast	4	5			5										
Injured by Using Sharp Weapons	33	36	6		42	2	2			2					
Injured In Land Mines	1	2			2										
Injured by setting fire	1	1	1		2										
Injured in Clash	23	153	5	12	170	4	34	4		38	16	82	6	61	149
Injured in cross firing	1	1			1						1	1			1
Other Explosive	1	2			2										
Total	287	551	79	63	693	22	70	10	6	86	43	159	13	66	238
Arrest & Torture											99	235	13	46	294
Disappearance/Abduction															
Disappearance											1	1			1
Abduction	422	564	24	3	591	79	135	3		138					
Total	422	564	24	3	591	79	135	3		138	1	1			1
Beatings/Threats															
Beatings	438	736	88	92	916	220	440	42	8	490	89	193	17	5	215
Broken Hand	1	1			1	1	1			1					
Death Threat	41	50	8	1	59	40	61	5		66	3	10	3	14	27
Threat	138	227	21	122	370	108	144	19	38	201	16	22	6		28
Threats for Donation	11	14			14	2	2			2					
Total	629	1028	117	215	1360	371	648	66	46	760	108	225	26	19	270

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Right to Assembly											41	236	86	405	727
Lathi Charge											24	363	25	199	587
Right to Assembly	35	84	7	856	947	67	118	10	105	233	65	599	111	604	1314
Total	35	84	7	856	947	67	118	10	105	233	65	599	111	604	1314
Racial Discrimination															
Deprived from Entering in Public Places	2	1		1	2										
Deprived from Various Opportunities	4	3	2		5										
Intercaste Marriage	15	15	12	25	52						1		2		2
Untouchability	56	81	26	501	608	1	1			1	1	1			1
Total	77	100	40	527	667	1	1			1	2	1	2		3
Women Rights															
Attempt to Traffic	1		4		4										
Domestic Violence	203		204		204										
For Practicing Witchcraft	33		43		43	1		1		1					
Polygamy	53		55		55										
Rape	62		62		62						1		1		1
Rape Attempt	20		21		21						3		3		3
Sexual Abuse	8		19		19						1		1		1
Torture Due to Being Woman	5		5		5										
Women Trafficking	23		47		47										
Total	408		460		460	1		1		1	5		5		5
Child Rights															
Child Marriage	9	1	10		11										
Child Trafficking	24	7	32		39										
Killing of Newborn Baby	12	3	1	8	12										
Rape	157		166		166	1		1		1	1		1		1
Sexual Abuse	40	3	41		44						2	7	1		8
Torture															
Use of Child in Political Activities	4	1	1	170	172	6	4		51	55					
Total	246	15	251	178	444	7	4	1	51	56	3	7	2		9
Economic, Social and Cultural Rights															
Others	12	12	5	60	77	3	4			4	1	1			1
Right to Own Property	32	44	2	1	47	36	40	7		47	1	1			1
Total	44	56	7	61	124	39	44	7		51	2	2			2
Inhuman Behaviour															
For Practicing Witchcraft	4	4			4	1	1			1					
Head Shaved	4	4	1		5										
N/A	1	2			2										
Others	2	1	2		3						3	2	3		5
Rubbing Soot on the Face	9	10	2		12										
Shoes-garlanded	1		1		1										
Total	21	21	6		27	1	1			1	3	2	3		5
Grand Total	2610	2756	1139	1905	5800	592	1025	98	208	1331	365	1280	176	735	2191
Destruction															
Ambulance	2				2										
Bank	1				1										
Church	1				1										
Communication Sector	1				1										
Government Offices	6				7										
Industry	1				1										
Municipality	1				1										
Petrol Pump	1				1										
Police Post	1				1	1				1					
Political Party Office	8				10	2				2					
Post Office	1				2										
Private Home	29				35										
Private Offices	7				7										
Private Property	6				6	1				1					
Private Vehicle	28				36										
School	5				5										
VDC	7				7										
Total	106				124	4				4					

Annex 2.2 Number of Killings by Occupation

Occupation	By Non-State								By State			
	By Others					By Maoists						
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Agriculture	182	128	72		200	1	1	1	10	13	1	14
Armed Police	1		1		1							
Business	30	29	5		34	1	1	1	2	2		2
Civil/Private Service	28	27	2		29				1	2		2
Housewife	6	1	7		8							
Indian Civilian	2	1	1		2				1	1		1
Labour	32	32	6		38				4	4		4
Police	5	5			5				1	1		1
Political Worker	24	24	2		26	1	1	1	9	18		18
Student	36	30	9		39							
Teacher	7	5	2		7							
Unavailable	85	55	41	2	98	1	1	1	7	8		8
Total	438	337	148	2	487	4	4	4	35	49	1	50

Annex 2.3 Number of Victims by Month

Type of Events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Killing	44	51	39	50	53	49	44	43	46	40	45	37	541
Injured	97	255	128	150	47	70	45	40	54	45	31	55	1017
Arrest & Torture	19	65	13	22	15	21	8	15	31	48	26	11	294
Disappearance		1											1
Beatings	105	151	254	532	103	88	47	85	69	82	51	56	1623
Threats	44	15	115	346	47	26	27	37	39	28	19	24	767
Right to Assembly	105	1283	488	126	24	34	19	144	107	97	3	64	2494
Racial Discrimination	75	2	3	357	34	46	71	42	11	16	5	9	671
Women Rights	32	26	23	22	58	51	34	52	46	49	48	31	472
Child Rights	40	16	145	13	33	20	25	27	123	19	216	30	707
Economic, Social and Cultural Rights	9	5	13	7	14	10	70	14	17	1	15	7	182
Inhuman Behaviour	1	2	1	8	2	5	2	2	3	1	1	5	33
Abduction	51	44	132	168	56	33	37	51	27	40	38	52	729
Total	622	1916	1354	1801	486	453	429	552	573	466	498	381	9531

Annex 2.4 Eastern: Number of Incidents and Victims

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	140	112	38	1	151	1	1			1	14	16			16
Injured	72	108	17		125	1	14	1		15	13	28	2	9	39
Arrest & Torture											44	113	9	28	150
Disappearance											1	1			1
Beatings	123	195	24	33	252	32	58	5	1	64	32	72	4		76
Threats	57	91	6	122	219	20	33	1		34					
Right to Assembly	13	23	2	748	773	3	11		25	36	21	107	19	93	219
Racial Discrimination	12	7	10		17										
Women Rights	126		129		129						1		1		1
Child Rights	65	4	67	173	244	6	5		50	55					
Economic, Social and Cultural Rights	19	23	1	60	84	17	18	1		19	1	5			5
Abduction	188	230	5	3	238	11	15			15					
Total	815	793	299	1140	2232	91	155	8	76	239	127	342	35	130	507

Annex 2.5 Mid: Number of Incidents and Victims

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	181	139	62	1	202	2	2			2	13	18			18
Injured	149	273	52	47	372	17	33	6	6	45	17	45	8	8	61
Arrest & Torture											13	36			36
Beatings	106	184	17	3	204	85	179	27		206	20	42	5		47
Threats	34	57	6		63	64	86	14		100	5	12	3	14	29
Right to Assembly	9	36	4	3	43	25	43	3	6	52	32	393	90	412	895
Racial Discrimination	16	19	9		28										
Women Rights	154		174		174	1		1		1	1		1		1
Child Rights	80	6	75	173	254						1	4			4
Economic, Social and Cultural Rights	15	20	3		23	7	10	3		13	1	1			1
Inhuman Behaviour	7	5	3		8						1	1			1
Abduction	152	191	10		201	24	45	1		46					
Total	903	930	415	227	1572	225	398	55	12	465	104	552	107	434	1093

Annex 2.6 Western: Number of Incidents and Victims

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	69	53	27		80						3	3			3
Injured	28	73	7	4	84						6	36		17	53
Arrest & Torture											11	25		18	43
Beatings	86	148	30	38	216	38	91	4		95	6	29	3	5	37
Threats	23	24	6		30	16	22	1	2	25	5	10			10
Right to Assembly	1	1		99	100	13	22	3	21	46	3	10			10
Racial Discrimination	11	13	3	87	103	1	1			1	1		2		2
Women Rights	37		43		43										
Child Rights	47	1	54		55						2	2	1		3
Economic, Social and Cultural Rights	6	3	3		6	5	4	2		6					
Inhuman Behaviour	2	2			2						1	1			1
Abduction	26	69			69	20	28	2		30					
Total	336	387	173	228	788	93	168	12	23	203	38	116	6	40	162

Annex 2.7 Mid Western: Number of Incidents and Victims

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	32	24	11		35	1	1			1	4	9	1		10
Injured	31	69	2	12	83	1	4	3		7	7	47	3	32	82
Arrest & Torture											21	44	3		47
Beatings	84	138	15	18	171	46	71	4	7	82	25	43	4		47
Threats	69	112	10		122	35	47	4	34	85	9	10	6		16
Right to Assembly	8	14	1		15	19	30	3	38	71	5	21	1	75	97
Racial Discrimination	15	34	9	30	73										
Women Rights	68		75		75										
Child Rights	52	18	41	2	61	2	2		1	3	1	1			1
Economic, Social and Cultural Rights	5	10		1	11	9	11	1		12					
Inhuman Behaviour	8	8	3		11	1	1			1	1		3		3
Abduction	45	65	5		70	23	43			43					
Total	417	492	172	63	727	137	210	15	80	305	73	175	21	107	303

Annex 2.8 Far Western: Number of Incidents and Victims

Types of Event	By Non-State										By State				
	By Others					By Maoists									
	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total	No. of Events	Male	Female	M/F N/A	Total
Killing	16	9	10		19						1	3			3
Injured	6	28	1		29	3	19			19	1	3			3
Arrest & Torture											11	17	1		18
Beatings	41	72	2		74	21	42	2		44	7	7	1		8
Threats	9	7	1	1	9	14	19	4	2	25					
Right to Assembly	7	10		6	16	7	12	1	15	28	4	68	1	24	93
Racial Discrimination	25	27	9	410	446						1	1			1
Women Rights	29		45		45						3		3		3
Child Rights	16	1	16	5	22	1		1		1	1	3	1		4
Economic, Social and Cultural Rights						1	1			1	1	1			1
Inhuman Behaviour	4	6			6										
Abduction	11	9	4		13	2	4			4					
Total	164	169	88	422	679	49	97	8	17	122	30	103	7	24	134

Annex 2.9 Number of Detainees in Jail by the end of 2008

S.No	District	Detainee	Convicted	Male	Female	Child		Total
						Male	Female	
1.1	Jhapa	146	167	191	22	2		315
1.2	Ilam	No Inmates						
1.3	Panchthar	27	47	70	4			74
1.4	Taplejung	40	18					58
1.5	Morang	440	215	621	46	4	3	662
1.6	Sunsari	No Jail						
1.7	Dhankuta	16	26	41	1			42
1.8	Tehrathum			32	2			34
1.9	Bhojpur	14	33	42	5	1		48
1.1	Sankhuwasabha	33	13	41	5			46
1.11	Saptari			197	2			199
1.12	Siraha	84	38	118				122
1.13	Udaypur	64	12	72	4			76
1.14	Khotang	No Inmates						
1.15	Okhaldhunga	21	25	40	6			46
1.16	Solukhumbu	30	21	46	5			51
2.1	Dhanusha	No Jail						
2.2	Mahottari	272	105	359	18	1	2	380
2.3	Sarlahi	68	55	120	3			123
2.4	Sindhuli	41	29	66	4			70
2.5	Ramechhap	40	4	35	9			44
2.6	Dolakha	23	8	29	2			31
2.7	Rautahat	59	39	95	3	2		100
2.8	Bara	No Jail						
2.9	Parsa	383	402	742	43	4	5	794
2.1	Chitawan	146	94	224	16	2	3	245
2.11	Makawanpur	24	26	50				50
2.12	Lalitpur	271	154	325				425
2.13	Kavre	70	40	110				110
2.14	Bhaktapur	No Jail						
2.15	Kathmandu	1149	746	1729	166	5	6	1906
2.16	Dhading	42	20	54	8			62
2.17	Sindhupalchowk	37	29	61	4			66
2.18	Nuwakot	45	26	61	10	1		72
2.19	Rasuwa	2	15	17				17

S.No	District	Detainee	Convicted	Male	Female	Child		Total
						Male	Female	
3.1	Tanahu	29	40	69				69
3.2	Gorakha	24	39	53	10		1	64
3.3	Lamjung	20	15	34	1			35
3.4	Syangja	42	12	50	4			54
3.5	Kaski	94	99	172	21			193
3.6	Manang	No Inmates						
3.7	Nawalparasi	73	11	76	8			84
3.8	Rupandehi	97	103	199	1			200
3.9	Palpa	12	126	125	13			138
3.1	Kapilvastu	64	68	130	2			132
3.11	Arghakhanchi	No Jail						
3.12	Gulmi	11	26	34	3			37
3.13	Baglung	17	13	27	3			30
3.14	Parvat	20	11	28	3			31
3.15	Myagdi	12	21	31	2			33
3.16	Mustang	1		1				1
4.1	Dang	47	129	167	9		3	179
4.2	Pyuthan	29	23	49	2			52
4.3	Rolpa	15	10	22	3			25
4.4	Salyan	12	12	20	4			24
4.5	Rukum	12	10	19	3			22
4.6	Banke	109	115	208	16			224
4.7	Bardiya	49	25	65	9			74
4.8	Surkhet	47	18	62	3			65
4.9	Jajarkot	11	6	15	2			17
4.1	Dailekh	8	9	16	1			17
4.11	Dolpa	2	4	6				6
4.12	Jumla	19	5	18	6			24
4.13	Kalikot	4	7	9	2			11
4.14	Mugu	No Inmates						
4.15	Humla	No Inmates						
5.1	Kailali	75	70	136	9		1	146
5.2	Achham	3	13	15	1			16
5.3	Doti	5	12	16	1			17
5.4	Bajura	7	9	15	1			16
5.5	Bajhang	12	8	7	13			20
5.6	Kanchanpur	52	58	100	10			110
5.7	Dadeldhura	13	11	21	3			24
5.8	Baitadi	19	16	33	2			35
5.9	Darchula	8	6	11	3			14
Total		4661	3567	7647	562	22	24	8507

**Views of
Political Parties on
Human Rights
Situation in 2008**

Annex

3

UCPN-Maoist

The human rights situation in this year should first be evaluated through the prism of the compulsions and limitations of the present transitional phase. If the present human rights situation is compared to the normal period that will not be both true and factual.

Secondly, it is necessary to understand that economic, social and cultural rights are also human rights as well as civil and political rights.

Thirdly, it is necessary to understand that human rights is not isolated, it is related to society, it is related to subjects.

Fourthly, the contents of human rights do not fall within anything suddenly turning good or bad, this also develops and changes with the flow of rule and the pace of development of a society.

Fifthly, the situation of peace and security, criminal series of incidents and situations of human rights violations are different. Only the government's involvement in human rights violations and its failure to protect human rights should be scrutinised in this category.

To analyse on the basis of those five values, the human rights situation is not satisfactory due to the complexities of existing intra-conflicts in Nepali society. But, the situation is not worse, deteriorating or scarier than in previous years.

Nepali society is still semi-feudal and semi-colonial. Although the leader of such feudalism, the Monarchy, has been abolished there are still the traces of feudalism left that must be gotten rid of. A coalition government led by Maoists was formed through the CA elections. The Dalits, indigenous groups, Madhesi and other members of marginalised groups based on area and gender who have been left behind by the feudal state will soon become the owners of the power.

This achievement is not trivial even with regards to human rights. Despite this, the production in Nepali society is dominated by agents and bureaucratic capitalist classes while the bad influences of the feudal system remains in the army and bureaucracy. The *status quo* standing existing among the political parties has not been changed. At a critical point of time when the old regime is weakened but not obliterated and the new regime is in a nascent stage, the effect on human rights along with other systems is on that level and is relativist.

The change in the old regime is that the power has been usurped from the monarchists. They are enraged at being ousted from power. Waiting for a possibility to take back the lost power, although they see little chance, these powers are cherishing the possibility of cashing in the situation, even the momentary benefits, by instigating instability and anarchy. Because of that, serious challenges have emerged in the situation of law and order in the country. Likewise, to the pro-king political parties who professed that the king and the multiparty parliamentary system were two pillars, the republic system is too much. Because, they neither had the institution of the republic as their agenda and moreover their imagination had not reached that far. While for the party that raised arms for the people's war it was insufficient. It is taking time to get adjusted to those who said it was too much and those for whom it was not enough. For those for whom it was too much, they are trying to find a chance to demonstrate their entity and significance by destabilising this change. Or there is the situation where they are trying to prove that nothing especially was wrong in the past in order to have some influence somewhere.

On the other hand, the party with the agenda for change lacks a majority

government and the people's mandate. Lack of experience in government and lack of sufficient background research has also affected our performance to some degree while the people have high expectations. The problems which have generated from a failure to address certain issues in a perceptible manner and in good time has added another challenge and this too has added to the problem.

There is a situation where the aforementioned reasons have affected the state's pro-people line and prevented it from being implemented unhindered, and there are some problems in guaranteeing human rights and safeguarding them. Because of this, it is true that the state of human rights is not satisfactory.

Therefore, there should not be any steps taken to disfigure the core human rights values and unanimous standard by labelling all criminal activities as human rights violations. At this time, the issue of human rights that is only allowed to be uttered but not allowed to ask for food is not suitable now. The individual's right to life might have been violated by incidents of social crimes which is basically crime. This cannot be a human rights violation. If each crime is named as human rights violation, there will be no difference between the state and the individual. Secondly, if the social crimes are named as human rights violations, they will try to escape from crime. With special attention to this regard, organisations working in the human rights field should be clear about whether they advocate for civil and political rights only or also for economic, social and cultural rights.

At a critical time in the transitional period, there is a trend of taking refuge in human rights to prove the significance of work carried out in the class interest or to face the views contrary to one's own when the contradictions are still speeding

up the continuation of conflict between progressive and laissez-faire pro-status quo groups, and when society is progressing on incessant development and change. Because of this reason, it is natural to have different perspectives on looking at human rights and evaluating the human rights situation. For that reason, it is highly probable that there will be different data on human rights violations and that too in one's convenience. In considering this truth, this year which dethroned the leader of feudalism, the Monarchy, forever is not a trivial achievement from a human rights angle. Likewise, it is no small feat for the people to achieve their rights in writing their constitution by using their sovereignty and holding the CA election. Human rights awareness where the issue of inclusive proportional representation has gained much importance is really a pleasure for us. Despite all these achievements, it is not unnatural for human rights situation to be seen as unsatisfactory when the weakness in some series of events and shortfalls resulted from obstruction to implementation of change desired by the people due to the transitional period, the culture of feudalist thoughts and the status quo attitude. Lack of state urgency, state failure in giving enough attention to criminal activities, insecurity to or loss of life as a result of lack of maintenance of law and order are regrettable. Such incidents occurred during this period but these are rather social crimes than ones related to human rights and these should be minimised, there is no room to be complacent about this.

Still, if we accept the radical change, we can be hopeful that along with steps to get rid of the status quo, the guarantee of economic, social and political rights for the use, protection and development of human rights. Therefore, there cannot be a second opinion on the point that commitment

and implementation are necessary for the protection of human rights. State attention is absolutely necessary in that direction. For those who only take civil and political rights to be human rights, they might conclude that the period has been wasted but for those who believe there are other rights besides them, economic, social and cultural rights, the country has attempted real change. This is supported by these facts:

- The fact that the post-CA government's programme and policy and budget attempts to establish economic, social and cultural rights. This is an important topic of human rights related to economic, social and cultural rights.
- By addressing the issue of inclusiveness and establishing the principle on proportion, the state has tried to change the previously unfriendly to human rights state structure.
- It has attempted to resolve the injustice and unscientific and feudal land distribution by implementing a scientific land reform programme
- Its attempt to address and implement the programme on identifying class, ethnic, regional and gender programmes is important for human rights
- The fact that state has followed rights, means and resources so far reserved only for the elite classes. This is now being shifted to the basic classes and should be taken in special way. For the elite classes, this might not be the issue of human rights, for others it might be issue of discussion but for the basic classes, it is an important part of human rights.
- Special provisions for communities like women, Dalits, Madhesi, indigenous groups and places

marginalised by the state can be taken as significant steps towards the promotion and protection of human rights.

**United Communist Party of Nepal
(Maoist)**

Nepali Congress

Loktantra is the foundation stone of Human Rights. But there is continuous attack on Loktantra by various groups emerging from conflict including Maoist that has attempted to weaken the system. Despite the agreement to forward the implementation process of CPA, in 2008 Nepal is named as a human rights violator due to the killing, crime and terrorism. Right to life is a first and inseparable right of human being but today Nepali people have been forced to live under the shadow of killing, violence and fear. This is a very serious and painful issue for all of us.

The year 2008 is considered to be very important in comparison to the year 2007. Maoists, the main cause of the 10 years long armed conflict joined the peaceful mainstream politics and participated in the CA election. Monarchy, the centre of 240 years of unitary regime was abolished peacefully and Nepal was declared a republic by the all-party coalition government led by Nepali Congress. The events of human rights violation did not decrease this year. Maoists were the reason for that. Though Maoists contested the CA election, PLA, which were under the UNMIN supervision, and YCL, similar to paramilitary force remained active during CA election.

Human rights issues have become complex following disregard by Maoists for the commitments made in CPA to return the properties captured during the conflict period while repeating the acts like harvest capture, abduction, killing and



physical attacks. A serious issue in addition to this is that the Maoists are in government through election. It should have ensured peace and order eliminating the threat and violence as it has the state power. But Prime Minister repeated publicly of the takeover of state power which added more fear. Criticism of the government is normal process in democracy. But, Maoists as the leading party of the government is being extremely irresponsible which has attacked not only human rights but also the norms and values of Loktantra because human rights and democracy are inseparable from each other.

The case of misbehaviour with an LDO and capture of the land in Siraha crossing the positional stand by Maoist minister Matrika Yadav are among some incidents in 2008. These are very serious violation by a serving member of the government. Similarly, attack on press, death in police custody, delay in finding the criminals ignoring the parliament order, assault on employee in the office premises are some examples of serious issues in recent series of events. Not only this, attack in the offices of popular Kantipur daily, The Kathmandu Post, Himal Khabarpatrika and APCA House which publishes Annapurna Post and The Himalayan Times and against some journalists are also some major incidents occurred this year. This has created negative impact of Nepal in international community. Insecurity to press, which also called the fourth organ, is a complicated question on the protection of human rights and democracy.

Being election year, more events were related to election. Most number of candidates attacked this year was from NC. General Secretary of NC was attacked during this period along with central members, Interim Parliament members, former MPs, representatives of

general assembly of general committee, district chairman and loyal party cadres. Party offices in district headquarters were vandalized. More than 700 people of Dang district were displaced to avoid attacks. Incidents of killing, bomb explosion, arson, vandalising vehicles, attack on security personnel of the candidates and abduction were targeted at NC. However, Tarai Mukti Morcha, Madesi Janadhikar Forum, UML and its youth wing Youth Force and some others small groups were also involved in such activities but most of them were carried out the Maoists and its' youth wing YCL.

Maoists, a part of the then government terrorized the election environment and threatened the voters to cast vote for them. In addition to that, violation of election code of conducts, 12-point understanding, 23-point agreement, and attack on NC and other party candidates and cadres by the Maoists is clear on reports prepared by national and international observers. Maoists deprived voters from casting votes to person of their choice, captured booths, exerting psychological pressure and influenced the notion of free and fair election. Even after election, Maoists continued with abduction, killing, intimidation, burning, forcing to job and home against the NC and other parties' cadres.

Despite the obstructions and challenges, the CA elections were held as per the Nepalis' decades-old desire to write their own constitution through their elected representatives. Challenging the devotion, sacrifice and struggle of the Nepali people, the situation of the peace and order continued to be difficult and alarming even after CA election. Maoists kept posing hurdles repeatedly to the attempt to strengthening peace process and human rights. Some events of violation by Maoists and other parties and the criminal

groups are listed here in brief.

The incident of attack on General Secretary of NC KB Gurung in his district and capture of his home and land has been taken seriously by the party. Similar acts were taken against other central members of NC in Darchula, Gorkha, Tanahu, Baitaidi, Humla, Dang, Dhanusha and Solu. During the CA election, NC candidates were assaulted in 25 districts. Abduction, killing, beating, threat, looting, bomb explosion and such incidents were also targeted NC.

NC has condemned such violations against its and other party candidates and cadres through press releases. Beside this, the violation of rights of civil society, professionals, people from different value faith and religion and culture also took place which NC has taken this issue seriously from human rights perspective. Not only this, killing of elderly, attacks against dalits, women, ethnic people, people of Mountain region along with gun attacks in places in the capital thought to quite secure. Unidentified groups were involved in some incidents of shooting during this period. Some minor incidents were carried out by different small groups in the name of different hilly and Tarai fronts. But, incidents carried out in the name of Maoist and Tarai-Madhes badly affected the people's life. Killing, intimidation, beating, firing, explosion and looting made the aim of the progress of human rights hazy.

Not only party cadres and well wishers were affected by Maoist this year but also press, journalist, teachers and different professionals. According to the recent series of events, Lalitpur LDO Dhundiraj Ghimire was beaten and locked by Matrika Yadav in bathroom, forest minister from Maoists on 17 June. This is serious and authoritarian act in undignified and illegal manner. Giree Prasad Timilsena

of area no 1 Devichaur VDC, elected NC Lalitpur district committee member was held illegally at Nakhu jail forcibly bringing him from forest office by forest minister Yadav on 20 June.

NC general committee member Raobilas Yadav was seriously injured in beating by a group of Maoist cadres led by forest minister Yadav on 14 September at Mirchaiya of Ramnagar VDC, Siraha. The group captured the land and houses. Nirmal Panta and Puskar Dangol of Syuchatar, Kathmandu were brutally killed by YCL. The fourth organ of the state press was also targeted this year. Cadres of different wings of Maoist sister organisations vandalised the office of Himal Khabarpatrika and assaulted journalists on 22 December on charge of publishing news against Maoists. Similarly, the cadres of All Nepal Media, Press and Publication Trade Union vandalized the regional office of Kantipur, APCA House and attempted to stop newspaper publication. Many media houses including Ankush daily being published from Birgunj were also vandalized this year.

Similarly UML's youth wing Youth Force continued violation in different places of the country. Staffs of Labor and Employment Promotion Department and Foreign Employment entrepreneurs were beaten in office premises on 1 July. In the same way many violence were carried out by State this year. Pradip Khadka, 38, son of former chairperson of NC Udayapur working committee member was killed brutally by anarchic and irresponsible men from within Nepal Police. Voice was raised against the killing in parliament, commission was formed but report was not implemented. The persons accused of the killing of businessman Ramhari Shrestha are not arrested yet as the limit of impunity.

Fostering the culture of impunity



by state is more serious in human rights perspective. This government protected and cleared the perpetrators of serious violation by withdrawing the criminal cases and is serious and planned move. This endorses attacked against those out of power and turns the rulers into dictators. NC has been very sensitive and serious in this issue. National Human Rights Commission's concern against the withdrawal of criminal cases on the ideological basis proves further the seriousness of the decision.

The year 2008 remained the year of massive violation of human rights. Many NC leaders, then Interim Parliament Members, cadres, well wishers, party district chairpersons, members and well wishers of other parties were assaulted this year. It is clear to all that the continuous attacks on NC cadres were intended to weaken NC which is because of its 60-years long history and strong presence among people is synonymous to Loktantra. CPN (Maoist) remained in the forefront of human rights violation despite CPA and being lead party in the coalition government. In the same way, different armed and unarmed groups were responsible for the abuses of human rights.

NC cadres and voters were and still are coming to NC central office to complain about the attack, abduction, displacement and capture of properties during the CA election before and after election. This has been verified by the party investigation. This confirms that not only the party cadres but also common people are affected by terror, threat and fear. NC believes that only a fair investigation can ascertain the number of victims during the conflict and also during the CA polls.

Ram Chandra Pokharel
Chief Secretary
Central Office

CPN (UML)

The year 2008 seems better than previous years from a human rights perspective. The long-awaited CA election was held this year. The Election Day on 10 April erased any disappointments that people had had after the deferral of the elections although during this election, many incidents of killings, violence, abductions and hooliganism occurred and in many constituencies, our candidates were stopped from holding their election campaign. Our promising young candidate Rishi Sharma was cowardly murdered in Surkhet which postponed the election there. The Maoist cadres and YCL behaved violently and in many places, they captured election booths. They did not allow our candidates and activists to go to some places. Many leaders and cadres physically attacked others. Several types of armed group captured booths in the Tarai in a similar manner. But there was no investigation of these incidences. The abuses of Maoists' YCL in some places and in some Tarai armed groups did not allow for free elections. Maoists were very involved in terrorizing people by creating psychological fear through election violence and clashes. Despite all this, by accepting the CA results, CPN (UML) played a crucial role in the smooth and natural hand-over of power.

CPN (UML) joined the government with the aim of giving continuity to the consensus of the political parties and common programme to lead the peace process to a decisive point. While in government, it has been committed to ensuring people's access to the right to food, sovereignty, the right against untouchability and caste discrimination, rights on environment and health, women's right, the right to social justice, child rights and labour rights. The formation of the

Truth and Reconciliation Commission to investigate the grave human rights violations and crimes against humanity has not been possible despite efforts by the UML. Likewise, CPN (UML) is also working towards the establishment of a High Level Commission on Disappeared Persons and rehabilitation, relief and compensation for victims. Special committees on army integration and rehabilitation and some other committees have been formed because of serious efforts by UML.

Abolition of Monarchy and Declaration of Federal Democratic Republic

An historical first meeting of the CA after the CA election was held on 28 May 2008 and that declared Nepal as a Federal Democratic Republic. This is an event of historical importance in Nepali democratic history. This eliminated the monarchy, a major refuge of the reactionaries of Nepal. The whole country entered into an era of federal democratic republic leaving behind the monarchical system. This was a crucial victory for Nepali people and an historical achievement of the democratic process in Nepal. CPN (UML) believes that the democratic system is an important foundation for the guarantee of human rights. Now the trend has begun for the child of a common man to be the head of the state.

Formation of Coalition Government

We devised a 7-point consensus to take the peace process to a logical conclusion. Fifth Amendment of the Interim Constitution was passed and processes to create the bodies within CA were simplified. Six parties including UML, Maoist and MJF formed a coalition government. The coalition government stands together on policy, programme and adheres to the code of conduct of the common programme and there should be

serious efforts to guide the country from the present transitional phase.

Sustainable Peace Process

The work on rehabilitation of the persons displaced during the Maoists' 10 years of war has not moved ahead properly. Forced to live a difficult life in the capital and other district headquarters, the displaced persons are asking for viable environment to return and compensation among other requests. Likewise, in several districts of Tarai, the problem of displacement is increasing because of the violent activities. We think that a national policy on displacement should be devised by the Legislature-Parliament. The government should take urgent steps to set up a Truth and Reconciliation Commission and a High Level Commission on Disappeared Persons to investigate the grave human rights violations and crimes against humanity. The SC order on disappearance has not been implemented. The Prime Minister should pay attention to our party's unrelenting efforts to establish such commissions and take action against the perpetrators.

Constitution Drafting Process

CPN (UML) has taken the building of the new and democratic constitution to be the top priority in the process of forwarding the process of Nepal's democratic revolution in order to pass through the historical transitional phase successfully. We will succeed only when the new constitution answers to the people's hopes and desires, the national requirements and provides sound guidance to the people and the country. Therefore, we should be able to move ahead with a focus on constitution drafting and the removal of all traces of feudalism. One of our major tasks is to forward the constitution making process in an active

and dynamic manner while utilizing the CA formed after the elections.

Persisting Violence

CPN (UML) is repeatedly stressing the importance of checking the violent activities, killings, forced donations and abductions carried out by the armed Tarai groups. We have called on the active political entities in the Tarai to resolve the problem through talks in peaceful manner. There should be talks with the political groups of Tarai and tough legal action should be initiated against the criminal groups involved in violent activities. CPN (UML) opposes incidents against human rights, illegal activities, excessive use of force, illegal detention, killing, torture and inhuman behaviour carried out by any side and demands that the concerned parties cease such activities.

The people's hope that the situation of peace, security, good governance and human rights will improve in quality after the Maoists joined the peace process was dashed by the hooliganism and unruly and anarchic behaviour of the Maoists and its youth wing YCL. The peace and security of the country has been shaken by Maoists and YCL across the country. Such acts as abduction of people, the amputation of people's legs, the torture of people to death in cantonments and the secret burial of bodies have gravely violated human rights. The Maoist leadership appeared to have consented silently to such activities while the government has absolutely fallen short of its duty to control such activities.

The violent activities and human rights violations carried out by the different Tarai groups and the violent acts of Maoists and YCL has threatened human rights and people's right to life. People have not been able to feel enough concern and eagerness to help coming from NHRC, different human rights

organizations and civil society with regard to such incidents.

Our party wants to see human rights being given their rightful place and is willing to work with all in this area. Not only that, CPN (UML) will be stressing the incorporation of basic human rights elements in the foundations of the constitution making.

Finally, CPN (UML) would like to thank Informal Sector Service Centre (INSEC) for publishing the "Yearbook 2009" analyzing the overall human rights situation in Nepal in 2008 and wishes that it will always remain active in the human rights field.

Jhahnath Khanal
General Secretary

Tarai Madhes Loktantrik Party (TMLP)

The TMLP is of the opinion that there was no improvement in the human rights situation in 2008 as compared with previous years. There has been a rise in the incidents of killing, violence, abduction, extortion, filing of forge cases and the murder of people in the name of false encounter this year as well.

The series of attacks on media and journalists continued this year as well. Sister organizations of the leading party of the coalition government continued pre-planned attacks on the media. Personal properties captured during the insurgency period were not returned this year and the trend of forcefully capturing property continued.

The security situation of the Tarai-Madhes districts has been deteriorating. While analyzing the situation of peace and security in these districts, it seems that the state is adopting the policy of making the situation of the Tarai-Madhes districts

terrorized, which will help for defaming the movement of the Tarai-Madhes. This strategy also includes obstructing the development works to be carried out by the local bodies of this region and by government and non-governmental organizations.

On the one hand people were complaining that acts of terrorizing people are maintained by giving protection to criminal groups and by the sponsoring of armed groups. On the other hand, the government failed to provide protection to civil servants and the general public. Intellectuals and the public of the Tarai-Madhes districts are complaining that human rights activists also failed to act impartially and with sensitivity.

Prabin Chaudhary “Pratik”

Secretary
Central Office

Nepal Workers and Peasant Party

Nepali people hoped that the incidents of human rights violations will decline with the end of aggressive war and political change. But like the previous year there was a significant rise in the incidents of human rights violations in the year 2008.

Attacks on doctors in hospitals, the closure of hospitals for a long time and daily 16-hour long load-shedding, scarcity of drinking water, an increase in the incidents of murder, violence and abductions all demonstrate the situation of human rights in the country.

It was revealed that the Maoist party, which is leading the coalition government, was involved in the murder of businessman of Koteswor Kathmandu Ram Hari Shrestha. Prime Minister Prachanda has expressed a commitment publicly to take

action against the perpetrators but the administration failed to reach Shaktikhor of Chitwan, where the perpetrator was residing. As the news reports revealed, not only did the Defense Minister meet with the alleged perpetrator but the perpetrator was also elected as Central Committee member of the Maoist party.

Although it was revealed that the Youth wing of Maoists YCL was involved in the murder of Puskar Dangol and Nirmal Pant of Kalanki Syuchatar the home administrator failed to arrest the perpetrators. The Maoists protested against the murder of Kailali based journalist Jagat Joshi but at then tried to cover up the issue after it was proved that Maoists were involved in the murder.

There was not a single day when there was no abduction or murder in the Tarai. The government failed to book all the culprits involved in various crimes. The mentality that they will get protection from ruling political parties regardless of the crime they had committed has been promoting the culture of impunity in the country.

Ensuring the provision of food, clothes and shelter to all people is fundamental to fulfilling human rights. But capitalists are merely concentrating on personal freedom, economic freedom and profit neglecting the issues of all people violating the rights of majority of people. Capitalism is the reason that the majority of people are being deprived from enjoying human rights.

Providing all people with equal opportunities to education and health facilities is essential in respecting human rights. In a capitalist society most of the people are compelled to die from curable diseases and are deprived of the right to education and are not guaranteed employment.

The definition of human rights could also be based on class in the society where the society is class based. Emphasis had been given for Economic, Social and Cultural equality following the Bolshevik Revolution of 1917. With the establishment of socialism, the people for the first time have been able to enjoy their human rights in the real sense.

The people of socialist countries like Cuba and Korea have received equal opportunities. In the name of economic freedom, the capitalists will not be able to exploit workers. In reality the majority of people will be able to enjoy their human rights where there is political system that respects economic equality. Communism shall always refrain from dirty game of getting position and money as practiced in capitalist society. Therefore we must move ahead for the establishment of socialism in order to achieve overall reform of society.

The election of the Constituent Assembly took place this year. Nepali people were thrilled to have the opportunity to write the constitution on their own. But they were not able to vote the candidates they wanted in a free and fair manner. More irregularities were reported in the CA election than in previous elections. Maoists barred people, who did not agree with their ideologies, from entering into villages. The incidents of beatings had become regular occurrences. The election took place amid a fearful environment with the incidents of threats and fear. The ruling political parties also blatantly violated the election code of conduct and the Maoists were the worst offenders violating the election code of conduct.

NWPP cadres Damodar Suwal, Badir Prasad Maaka, Krishna Narayan Dumure among others were injured in an attack by Maoist cadres. The perpetrators were captured by local people and handed over to the Local Administration but the

government released them without taking any action against them.

Election agent of NWPP Padam Thapa of Chilkhaya VDC-7 of Kalikot district was manhandled by Maoists on the charge of being an election agent. Similarly, Maoists also issued threats to NWPP cadres in Ramechhap, Gorakha and Sindhupalchowk districts and also set ablaze the NWPP office of Ramechhap district. Harka Dharala of Bajura was given death threats and warned to immediately announce that he had left the party. MJF cadres set ablaze the NWPP office, furniture and election publicity materials in Bara district. NWPP candidates of various Tarai districts were also threatened to renounce their candidacy.

Cadres of Madhesi Janajagarn Mukti Morcha opened fire at the residence of NWPP candidate of Saptari Constituency-3 and warned of death threats to him if he did not renounce the candidacy and give Rs. 111,000 donation. A group of unidentified people abducted a candidate of Siraha Constituency-1 Bijaya Mahato from 31 March to 4 June. *Bandhas* and strikes took place frequently in Tarai districts with the slogan 'One Madhes One Province' and the life in the Tarai was affected largely due to the movement that started with the racial and regional demands. Finally, the state signed an agreement with the protesting Madhes based parties on 28 February. The issues included the 'Madhes Autonomous Province' and 'Group recruitment of Madhesi in Nepal Army' among others affecting the interests of the southern block. The then Prime Minister Girja Prasad Koirala signed the agreement while former UML General Secretary Madhav Nepal and Maoist chairman Prachanda became witnesses to the signing of the agreement. NWPP, Janamorchha Nepal and ML protested the agreement immediately. Many people

are of the opinion that the agreement had planted a seed of secession.

The Maoists emerged as the largest party in the Constituent Assembly and the government formed under their leadership. But people failed to find any differences in the government led by NC and the Maoists. The ruling class were enjoying fulfillment of their human rights in the past and also enjoying it in the present as well and the trend will continue while capitalism remains in place. The issue is the concerns of the vast majority of people, who have never had the opportunity to enjoy human rights. There was no fundamental change in hunger, poverty, illiteracy and scarcity remains the same despite the changes in the government and rulers.

As per the capitalistic definition, the capital punishment is taken as extreme violation of human rights. A provision was made barring formation of any laws that allows Capital Punishment but there were many cases in practice where people were killed before they reach to the legal net. The state is responsible for the deaths of people due to shortage of food and medicine. Is this not a crime of Capital Punishment? Human rights activists should pay attention in this regard as well.

The Maoists were elected to the government leadership with the slogan of New Nepal but in a short period of being in the leading position of the government, Maoists presided over 'a dark Nepal', 'a Nepal with impunity' and 'a country that moves to the tune of the foreigners'.

Sunil Prajapati
Secretary

Rastriya Prajatantra Party

The CPA between the Nepal government and the Maoists on 21 November 2006 should be taken into consideration first in order to comprehend

the human rights situation of 2008. Despite the commitments expressed in the CPA to publicize the status of disappeared persons, provide compensation to the families of disappeared persons, conduct truth finding missions on persons involved in grave violations of human rights and crime against humanity, and form a Truth and Reconciliation Commission were not turned into actions.

Moreover, no initiatives were taken by political parties to accomplish the provisions mentioned in their election manifestos like finding the whereabouts of disappeared persons, compensation to victim's families, and free education up to the University level for the victims of the armed conflict.

The human rights situation of this year was disappointing because the captured properties were not returned. Political killings have not ceased. Human rights violations continue unabated due to incidents of abductions, extortions and the turbulent situation. Even the recommendations of the NHRC have not been implemented by the government. The government also disrespected the Supreme Court's order to enact a law which would criminalize enforced disappearance in line with the International Convention for the Protection of all Persons from Enforced Disappearance and establish a high level commission of inquiry on disappearances.

How can protection of human rights be achieved in such an appalling situation? This question has been raised to the citizens of the country. More than 13,000 Nepali citizens lost their lives during the conflict. Thousands became disabled. Many citizens have become IDPs after being displaced from their villages.

Bands and strikes have continued in the name of collecting money as donation from industries and expanding

the organization of one's party. As a result, industries and factories are in a fragile situation. Maoists have dominated the Constituent Assembly because the unarmed political parties had competed with the para-military force of the Maoists in the CA elections. To win the election by fraud is a political crime and also a violation of the right to vote.

In such a situation, only analyzing the human rights situation will not be enough. That's why our party has always insisted on the immediate formation of the Truth and Reconciliation Commission, Peace and Rehabilitation Commission, Commission of Inquiry on Disappearances and State Restructuring Commission, according to the CPA and the 23-point understanding to reinstate human rights. Representatives from civil society, political parties, human rights bodies, and lawyers should be included in these commissions. The government should implement the recommendations of these commissions. The Maoist-affiliated YCL of the para-military structure should be disbanded immediately. If the above-mentioned points are accomplished, the spirit of the Jana Andolan will be respected. All political parties should prioritize the protection of modern human rights in the

constitution to be formed in future.

Parshuram Khapung
General Secretary

CPN-ML

INSEC has played an important role to expose the incidents of human rights violations of all sides. The CPN-ML demands that there not be violations of human rights from any side. The incidents of murder, terror and abductions must come to an end. It is very important to stop this trend. In this context, there is a need that the state be serious towards establishing the rule of law. We strongly demand that action be taken against those who violate this rule under the cover of power. The right to life was blatantly violated this year. A series of murders and abductions were reported this year. Nearly a hundred people had lost their lives in both the state and in protest groups. If the trend continues there could be a very dangerous situation. The state should be cautious and timely. The CPN-ML is always cautious that all the rights of all sides be guaranteed.

Deuman Samwahangfe
Secretary, Central Office



**Views of
Institutions on
Human Rights
Situation in 2008**

Annex

4

Foreign Ministry

The government of Nepal is fully committed towards the protection, promotion and respect for human rights as per the provisions of the Interim Constitution 2006.

The National Human Rights Commission, which is a constitutional organ, plays an important role for the protection and promotion of Human Rights. The commission has been carrying out impartial investigations into human rights violations and recommends action be taken against perpetrators. The government is committed to gradually implementing the recommendations made by the NHRC. Foreign relations is an important factor for the protection, promotion and respect for human rights in the international arena. Nepal has become a state party to nearly one and a half dozen international conventions and covenants and expresses its commitment to human rights in the international realm. For example, the Convention on the Rights of Persons with Disabilities 2006 and its Optional Protocol 2006 were signed by Nepal on 3 January 2008 and are in the process of being ratified.

Reformative and promotion-oriented activities are being implemented by the government to fulfill its obligations under various international treaties and covenants to which Nepal is a party. The government is also committed to fulfilling its obligations under the Interim Constitution of Nepal. These activities are being carried out as per the second three-year-long working plan on Human Rights being implemented by the government of Nepal. Positive efforts were also made for protection and promotion of the rights of Indigenous Peoples and Dalits, elderly persons, women, children and differently-abled persons. The government's decision

to abolish the Haliya System from the country on 5 September could be considered an important achievement.

The Human Rights Promotion Branch under the Office of the Prime Minister and the Council of Ministers has been coordinating the protection and promotion of human rights as a focal point among all the government mechanisms.

The government of Nepal has been giving due importance to the issues raised by the Special Procedures of the United Nations Human Rights Council and Nepal is clear about the issues raised as per the complaints filed by individuals at the UN rights body. The Special Rapporteur of the Council on Indigenous Nationalities visited Nepal from 24 November to 2 December. The government has been updating the international community on Nepal's national commitment, vision and activities on the protection and promotion of human rights by participating in the regular meetings of the Human Rights Council.

The Deputy High Commissioner for Human Rights, Kyung-Wha Kang, visited Nepal from 30 January to 3 February 2008 and assessed the human rights situation of the country. The UN Office of the High Commissioner for Human Rights has been assisting in national capacity-building for the protection and promotion of human rights along with monitoring the human rights situation of the country.

Nepal is required to submit periodic reports as a state party of the different international treaties/covenants. Nepal is in the final stages of preparation for national shadow reports on Civil and Political Rights, the Eradication of all forms of Discrimination Against Women, and the Elimination of all forms of Racial Discrimination.

The study and recommendations of the Commission on Scientific Land

Reform, which will have a direct impact on various aspects of human rights, has been formed recently. Similarly, Commission on Disappeared Persons, Truth and Reconciliation Commission and State Restructuring Commission are in the process of being formed.

These facts prove that Nepal was fully committed to the protection and promotion of Human Rights in 2008.

Home Ministry

The Home Ministry and the security forces under the home ministry have been mobilized under limited resources for the security of civilians. In the context of human rights; laws have been formulated and working modalities have been amended as per the international commitments signed by Nepal and the recommendations of international organizations.

This ministry and the security forces are cautious not to violate human rights through the establishment of Human Rights Cells. Necessary works relating to human rights violation cases, pointed out by human rights organization have been ongoing.

This Home Ministry has been doing the work of providing relief assistance to victims of the past conflict and recommends action against the perpetrators. The security forces have been trained and made aware by various trainings and seminars. The aim of such programmes is that security forces will not violate human rights in the process of maintaining peace and security in the country.

Various efforts were made for reform in prisons and the ministry is committed to the protection of human rights of the detainees. Efforts are going on for implementing the report of the Prison Reform Recommendation Commission for the protection of rights and interest of the

detainees.

Efforts are going on for resolving the Tarai crisis by holding talks with armed groups of the Tarai and activities of the police and activities of the security forces have been expedited so as not to violate human rights during the ongoing violent activities in the Tarai. However, the security situation of the country has been improving following the CA election since the period of conflict. But violations of human rights by various groups continue. There is a need for all Nepalis to realize the principle that in a democracy should not violate others rights while enjoying your rights.

At last, The Home Ministry of the Nepal Government is committed to moving ahead while cooperating with all human rights organizations and national and international organizations for the protection of human rights.

Home Ministry

Nepal Army

The Nepal Army has always placed the protection and promotion of human rights and civil liberties at the top of its priorities, and has expressed a full commitment to uphold Human Rights and International Humanitarian Law. The incidents of human rights violations by some personnel from the NA during the initial phase of the conflict were not policy driven. It should be reiterated that the NA is committed to uphold a zero tolerance policy against all forms of human rights violations with the sole purpose of putting an end to impunity in the organisation.

The human rights division in every divisional and brigade headquarters has been established under the NA human rights directorate to uphold human rights and IHL. The personnel in these divisions

and brigades have also been informed about IHL through trainings. The NA has suspended its personnel found involved in violations of human rights and IHL after investigation.

The NA has conducted impartial and comprehensive investigations into the incidents of human rights violations by NA personnel. The NA has always committed itself to the protection of women's rights and the rights of children.

With the objective of promoting and protecting human rights and IHL among its personnel, the NA has been broadcasting awareness programmes from different TV channels, Radio Nepal and other mediums. Training of Trainers are being conducted at the NA regional units for its personnel by the Nepal Police, the office of the Attorney General, women and child rights activists, the NHRC, the ICRC and competent NA personnel themselves. Also, the NA Human Rights Directorate has recently published a 'Human Rights Journal-2008' of facts related to human rights and IHL concerning the NA.

We wish success for the Human Rights Yearbook 2009 published by INSEC.

Nirendra Prasad Aryal

Brigadier General

Director, Nepali Army Human Rights

Directorate

APF

With a strong belief that that INSEC will work more effectively towards the protection and promotion of human rights of citizens in days ahead, we wish luck for the success of 'Human Rights Yearbook 2009.'

The APF, which has been established as the base of the internal

security mechanism, has not only taken the issue of human rights seriously in the course of protecting the lives of civilians, but also aims at institutionalizing the norms and values of national and international human rights.

With that objective, the APF has given compulsory trainings to its personnel to make them more responsible and sensitive to human rights and IHL. APF is committed to establish such human resources who would respect the values of humanity and the basic rights of civilians for the protection of human rights.

The CA elections which took place last year has added a new dimension to the protection and promotion of human rights in Nepal. However, the killings, violence and non-political activities in the Tarai have created a vulnerable situation for human rights. The APF is always committed to creating an environment free of fear in this region by respecting freedom and the human dignity of civilians so as to protect their basic human rights.

The APF has been conducting all its activities under the legal jurisdiction. In this course, the APF has made a golden history. However, some incidents of minor human rights violations have also been committed in the course due to human errors. The APF has adopted a departmental policy of informing all the stakeholders through different mediums regarding the actions taken against the APF men involved in such incident after investigations.

The APF is always active towards disseminating human rights issues to government bodies, human rights organizations and civil society and making its every activity transparent.

Finally, we heartily express our gratitude towards the support provided by

INSEC in our efforts and commitment to the protection and promotion of human rights.

Sanat Kumar Basnet

AIG

APF Headquarter

Nepal Police

Recognizing that the welfare and protection of all civilians is its main responsibility, the Nepal Police, directed by democratic values and the rule of law, is always aware of public security and peace and is committed to providing a quality police service as per the wish of the people. It is important and at the same time challenging for police to work for the protection and promotion of human rights in the current transitional social and political environment of the post-conflict period. Moreover, the Nepal police have been burdened with a responsibility to instill a feeling of public peace and security in civilians at a time when the basic rights of civilians are in jeopardy due to the serious incidents of killing, violence and extortion by various armed groups. The key responsibility of building a new Nepal, by leading society towards the development of the nation and by protecting socio-cultural values, has fallen upon the shoulders of the Nepal Police. The cooperation of all political parties, human rights organizations, and civil society is imperative in the work of the Nepal Police for a timely outcome as per the need of the people.

As an implementing body of national laws, the Nepal Police has always been committed to the protection and promotion of human rights and has made this issue a priority in its organizational work plan. With the protection and promotion of human rights in all aspects of police work, human rights cells have

been working actively through various programmes across the country under the direct jurisdiction of the secretariat of the IGP. The Nepal Police Human Rights Cell not only monitors, investigates and protects human rights at the central level, but also extended its activities to the district level and adopted the working system as a form of protection, coordination and promotion.

The Nepal Police has been collaborating with national and international organizations in different capacities for the protection and promotion of human rights.

Human rights has been incorporated in the basic training syllabus of police personnel with a view that they would be able to protect and respect human rights in order to effectively implement the security of civilians, peace, and the law as law enforcing officers. The human rights training book has been prepared and used for implementing a specialized training syllabus, for uniformity in the training of personnel. A special training for policemen from all posts to be conducted in 14 zones and all regions has already begun. Similarly, a booklet containing national and international human rights provisions, which should be kept by all Nepal Police personnel to keep, know and implement human rights, has been distributed to all Nepal Police personnel in collaboration with the UN OHCHR.

The Nepal Police is extremely serious in the protection of human rights and adopts the policy of zero tolerance towards any violator of human rights. The Nepal Police has been taking action against its personnel after comprehensive investigation if complaints of human rights violations are filed against them through any means. 288 policemen from the post of police constable to SP have faced actions through such means.

Besides this, the policemen who face actions against them are not allowed to participate in different UN missions after the formation of the necessary internal mechanism. We appeal that the complaints of human rights violations relating to the Nepali Police be directly informed/ disseminated to the Nepal Police Human Rights Cell, rather than through international organizations for the effective investigation and immediate action on it. In this regard, the Nepal Police expresses hearty gratitude to all national, international organizations and well-wishers for their continued support in our efforts for the protection and promotion of human rights, and expect help from them in our work to uphold peace and security in the future.

Finally, the role of INSEC, which has been working for human rights and social justice, has become more important to alert and make the government responsible and all organizations related to human rights in today's transitional, social and political context. We wish INSEC to be able to contribute more towards the adoption of democratic norms and values and the establishment of the rule of law. The Nepal Police expresses success for the 'Human Rights Yearbook 2009'.

Human Rights Cell

Nepal Police Headquarters

National Human Rights Commission

While talking about the human rights situation in Nepal, it is necessary to first allude to the long awaited elections of the Constituent Assembly (CA) that was concluded this year. Nepali citizens, acting to build a new Nepal, cast their opinions for the first time on drafting the supreme law of the country-the constitution through

the CA elections. The first inclusively represented CA was formed through the Nepali peoples' ballot. The Federal Republic of Nepal was declared pursuant to the Interim Constitution of Nepal 2007 and Nepal appointed its first president and vice-president through the representatives that Nepali people had elected. Similarly, they finally got an elected government. The political parties kept working on taking the peace process to its logical conclusion. Thematic and procedural committees were formed along with a constitution writing committee after the publication of the CA schedule and the announcement that the constitution writing would be finalised within two years. This has given hope to Nepali people that the human rights-friendly constitution in accordance with their desires and hopes will be drafted within the scheduled time.

Achievements

The Nepal government acceded to ILO convention 169 in 2008 which expressed the state's international commitment towards the rights of indigenous groups and nationalities to identity, rights to language and rights to local resources. The Right to Information Act 2008, Human Trafficking and Sale (Control) Act 2008, Foreign Employment Act 2008, the law against abductions adding a Chapter Abduction and Holding People Captive section to the National Code were some of the achievements in the legal sector. The government also announced the formation of the Land Reform Commission. Several agreements that the government signed with different groups, classes and communities for the protection and attainment of their rights held special meaning. Agreements between the Nepal government and CPN (Maoist) for the establishment of lasting peace and the activities in accordance

with those agreements were also equally meaningful. During this period, the government began dialogue with the different armed groups of the Tarai. Many NGOs held programmes to pressurize the government to accede to the ICC statute. NHRC also sent a recommendation to the Nepal government to accede to the statute. A regional level workshop on child rights was held at the initiation of the NHRC. The workshop has contributed to the protection and promotion of child rights along with increasing coordination among the NHRCs in South Asia.

Human Rights Situation

Despite the aforementioned positive steps taken in the human rights sector, most of the conflict victims were unable to get justice as there was no provision for transitional justice as per the Comprehensive Peace Agreement between the Nepal government and the then CPN (Maoist) signed on 21 November 2006. The CPA provides for the establishment of the Truth and Reconciliation Commission and Commission to discover the whereabouts of the disappeared persons but it was not implemented. Despite the government's commitment to return the properties captured during the conflict, the work towards achieving this end was not effective enough. Many persons displaced due to the conflict were not able to return home and be rehabilitated in the society in a dignified manner. The written commitment of the CPA on making public the whereabouts of the disappeared persons and persons disappeared after abduction within 60 days was also not implemented. The SC order and NHRC recommendations on disappeared persons was not implemented at all. Although the incidents of disappearance and abduction decreased, the complaints concerned with incidents occurring during the armed

conflict continued to come in. It had been agreed that the information would be exchanged between the two sides on mapping and stockpiling of explosive devices laid and abandoned during the conflict within 30 days and that assistance would be provided for demining and destruction within 60 days but nothing happened in this regard. As a result innocent persons continue to lose their lives due to abandoned bombs during this year.

Besides this the squatters, landless peasants and poor workers continued their agitations after the government formed the revolutionary Land Reform Commission in order to address their struggle across the country holding that the formation did not adequately address with their concerns. UNMIN published the fact that about 3,000 children below 18 years of age were in the Maoist army but nothing was done to rehabilitate them back into society. The work on rehabilitation of those children as expressed by the PM in public did not begin. To sum up the transitional justice issues could not be addressed in a judicious manner during this period.

On the one hand, transitional justice was not addressed and on the other, impunity did not decline because of the inability to bring the grave violations of human rights and humanitarian laws within the legal sphere. Impunity added a challenge to building a culture of human rights. Like in the previous years, the issue of implementation of the Mallik Commission and Rayamajhi Commission were limited to discussion and debate. In this period, in a bid to withdraw false and political cases, the Nepal government withdrew 349 serious criminal cases. Such acts ridiculed the principle of the rule of law and helped in creating a situation of lack of justice. Killings, violence, strikes, vandalism and embargoes did not help

to check the violence, terror and criminal activities in the society. The failure of the government to put the guilty behind bars caused turbulence in many parts of the country but mainly in the Tarai. Especially, the trend of abduction persisted and resulted in demands for donations and allegations of spying resorted to by the armed Tarai groups. Instead of ending impunity, the political parties were seen to be competing to build violent gangs. Such gangs were involved in human rights violations and openly disregarded the rule of law, however they were always able to act with impunity on the basis of political ideology.

Political interference, lawlessness and an absence of justice ensured that there was no significant decline in incidents of human rights violations. The criminal acts kept occurring but the cases filed against the persons accused or guilty could not be prosecuted in a legitimate manner. The authorities seemed lethargic towards checking the behaviour of those who resorted to killings, abduction, forced donations, ransom and the capture of property and taking action against them as per the laws. The recommendations made by NHRC and SC for action to be taken against the violators of human rights and humanitarian laws which occurred during the conflict were not implemented. In such a situation, NHRC has aimed to strengthen the culture of rule of law, peace and human rights prioritizing the end of impunity in its strategic planning (2008- 2010). If NHRC's aim is achieved, impunity will end in Nepal and its identity will be established as one committed to the practice of human rights. Not only are NHRC's efforts sufficient to achieve this identity; positive thinking, commitment and the support of all Nepalis are required for that.

The rights of free enjoyment of

press and publication rights was also breached this year. NHRC published reports regularly monitoring complaints on violations of freedom of opinion and expression and press and publication rights by the security forces' acts of disappearing journalists and the armed forces' actions of abduction, demands for donation and threats such as was seen during the conflict period.

A 16-day campaign against violations against women which ran from 25 November to 10 December was also observed in Nepal. The media continue to report on beatings, mental torture, inhuman behaviour and sexual harassment against women even by their own families. Besides these, polygamy, women trafficking, inhuman treatment which occurs when a woman is accused of bringing an insufficient dowry or charged with being a witch also continued. Although a bill was drafted to stop incidences of domestic violence was tabled in the Legislature-Parliament it was not endorsed. Like violence against women, the violations against children were also widespread. The media published reports of child abduction, killing and sexual violence against children almost on a daily basis. Although Article 14 of the Interim Constitution 2007 and the dissolved parliament in 2007 had declared Nepal a country free of caste discrimination such incidents continue to occur. It was observed that the state did not take bold steps to implement the existing legal provisions. The state signed the Convention on the Rights of the Persons with Disabilities and its Optional Protocol however the Legislature-Parliament did not decide to accede to them.

Complaints in NHRC

There were 943 complaints on violations of human rights registered during

Complaints against Human Rights violation and abuse filed in NHRC in 2008		
Sn. No.	Human Rights Violation	Complaint No.
1	Abduction (Maoists)	39
2	Disappearance (Security Personnel)	41
3	Abduction/Disappeared (Unidentified group)	70
4	Killing/Death in custody (Security Personnel/Authority)	74
5	Killing (Maoists)	41
6	Killing (Others)	28
7	Torture (Security)	75
8	Torture/Harassment (Maoists)	34
9	Beating/Harassment (Others including Youth Force)	15
10	Legal remedy	47
11	Displaced (Security personnel)	2
12	Displacement (Maoists)	55
13	Capture of Property (Maoists)	42
14	Capture of Property (Security Personnel)	5
15	Capture of property (Others)	8
16	Compensation	19
17	Threats (Maoists)	26
18	Threats (Security forces)	10
19	Threats (Unidentified persons/others)	31
20	Illegal Detention/Justice administration	35
21	Civil rights	9
22	Economic, Social and Cultural Rights	37
23	Bomb Injureid/Killed in explosion	6
24	Violation of child rightists	84
25	Violation of human rights	51
26	Others	59
27	Total	943

this period. The complaints included cases on killing, disappearance, abduction, torture, threats, extra-judicial killing, property capture, internal displacement, discrimination and embargoes on free movement. Besides that, obstructions to the enjoyment of social rights and violations of women and childrens rights and abuses against them are also included:

Efforts of NHRC

NHRC decided on 2,353 complaints including complaints filed in 2008 and in the previous year after monitoring and investigating. Out of that, NHRC has made recommendations to the Nepal government on 221 complaints while others have been adjourned, settled or quashed. This year NHRC gave recommendations

to the Nepal government on 74 cases. During this time NHRC carried out important actions in forwarding actions on complaints of interference, violation and abuse concerned with the protection and promotion of the citizens' human rights. In some cases, NHRC summoned ministers, secretaries, security and other responsible personnel for discussion and consultation. In addition it has also issued orders to the government to provide compensation to citizens in cases where the government failed to protect their human rights. During this period, it has held discussion and consultation with the civil society, NGOs and stakeholders on different topics of human rights protection and promotion. It also conducted national, regional and local level programmes on the drafting of required laws on human rights, human rights awareness and promotion. NHRC is moving ahead with seven points of strategic objectives as per the strategic planning which are to end impunity, to advocate for the creation of a HR-friendly constitution, to advocate for collective rights including the rights of women, children, persons with disabilities, senior citizens and other disadvantaged groups focusing on gender and caste equality, to monitor and follow-up the levels of fulfillment of the minimum state obligations on ESC rights, to mainstream economic, social and cultural rights, and achieve rehabilitation, return of property and social integration of displaced and disappeared persons.

NHRC conducted an investigation into the claims of mass graves in the Shivapur Jungle of Kathmandu of those killed after enforced disappearance and made its report public after forensic tests. The forensic report showed that the human remains of at least one man was recovered in the jungle.

This year NHRC has issued recommendations to the Nepal government

after conducting studies, investigations and monitoring on issues directly concerned with Nepalis including peace and security, food security, the rule of law, the security of human rights defenders, freedom of press and publication, human trafficking, landless squatters and disappeared persons along with killings, violence and abductions. In addition NHRC has drawn the attention of the government, political parties, civil society and all concerned, and has discussed and consulted them on issues related to human rights protection and promotion. In 2008, NHRC handed over the body of human rights defender and journalist Dekendra Thapa, who was killed by CPN (M) whilst in captivity, after forensic tests were taken of the exhumed body. Along with that, it recommended the government to take criminal action against one CPN (Maoist) cadre whose name was known and others of Dailekh who were also identified. Also with regard to the killing of journalist Birendra Sah by CPN (Maoist) cadres on 5 October 2007 after abduction, NHRC investigated and made recommendations to the government. It submitted the investigation report on the incident of the abduction and disappearance of journalist Prakash Thakuri by CPN (Maoist) to the Offices of Prime Minister and Ministers of Council. Likewise it also recommended that action be taken against the Maoists responsible for the death of Ramhari Shrestha of Koteswar Kathmadu. But, the government has apparently been unsuccessful in taking actions against the perpetrators by implementing NHRC recommendations.

Despite the Nepal government's attempts to improve the law and order situation and control crime, the violent activities did not recede. A few persons have lost their lives in the violence. There was no significant improvement in the law and order situation. Several youth wings

operated by the political parties caused problems and clashes among them also thwarted the attempts to control illegal activities and maintain law and order. The peace and security situation of the country was also affected by the entities taking the benefits of the transitional environment. Anarchical activities including *bandhs*, strikes and padlocking increased in the country as the government failed to properly address the agitations launched because of the demands from different communities and sectors. Along with that, the agitators also incurred huge losses, damage and violence in the country remaining insensitive towards the respect for others' rights and in disregard of their own duties.

For the protection and promotion of human rights, NHRC urges the Nepal government and all concerned parties to make the new constitution human rights-friendly, establish a Truth and Reconciliation Commission, a Peace and Reconstruction Commission, a Commission on Disappearances as provided for in the Interim Constitution to address human rights violations and abuses, to stop the political protection given to criminals and adding to the situation of impunity, to take steps to make known the whereabouts of the disappeared persons, prosecute the perpetrators, rehabilitate the displaced persons and return captured property, end violations and exploitation against women and children, protect the rights of persons with disabilities, ensure the development, protection and participation of indigenous groups and nationalities, Tarai and Madhesi people, Dalits and minorities, prosecute the perpetrators involved in attacks and violence against media persons and human rights activists and raise awareness on the issue, end in practice all kinds of discrimination on the basis of groups or gender or any other

reason and implement all the international human rights treaties to which Nepal is a state party and national laws and its recommendations giving them proper priority.

At last, with the highest regard for the continued efforts of civil society, the human rights community and the mass media for the protection, promotion of human rights and towards the end of impunity, NHRC calls on the government, political parties and civil society to remain aware and coordinate with one another.

Gauri Pradhan

Member and Spokesperson
National Human Rights Commission

National Dalit Commission

The 'Nepal Human Rights Yearbook' is a compilation of all the facts and events that occurred in Nepal from the perspective of human rights, which aims to draw the attention of concerned stakeholders and to exert pressure for establishing the rule of law by exposing such incidents at the national and international level.

The incidents documented in the year 2008 show that there has not been much improvement in the human rights situation of the Dalit community, who lag behind in terms of social, economic, political, educational and cultural aspects and were subjected to untouchability and inhuman Behaviour.

Though there is little improvement in the human rights of Dalits, the situation seems more challenging if we see the ratio of complaints filed at the commission in 2008. There is a need to immediately pass the 'Bill on Racial Discrimination and Abolition of Crime of Untouchability' and the 'Bill on formation of National Dalit Rights Commission' draft prepared by

National Dalit Commission to minimize such incidents.

Janaki Barah
Member Secretary

Nepal Bar Association

The Nepal Bar Association realizes that there has not been an improvement in the human rights situation of the country as was expected. This realization incorporates the incidents which came to light in the process of the activities of the Nepal Bar Association.

Incidents of murder, violence and even displacement were reported in different parts of the country especially in the eastern hilly area and the Tarai. Advocate Jagadish Acharya was murdered in Bara District. Incidents of murder, abduction, extortion, capture of properties and displacement have been continuing. These activities are against the principles of human rights. Legal professionals who were advocating for the rule of law and working as human rights defenders were threatened and beaten for pleading on behalf of petitioners or defendants.

Different groups have continued human rights violations like abduction and the forceful collection of donations. The state failed to take any initiative to resolve incidents of abduction of human rights advocates including Abinash Pyakurel and Hakim Ali Ansari. Likewise, the displacement of Advocate, Mahadi Hasan from Rupendehi remains unresolved. Properties of civilians captured by different groups have yet to be returned. The incidents of political clashes and deaths resulting from such clashes also came to light time and again. No improvement has been observed on the issues of making the whereabouts of disappeared people public and ending impunity. Police continue anti human rights activities in detention

facilities and continue to detain persons illegally. The Nepali Bar Association realized that the government withdrawal of cases in which the Court had already given a verdict has challenged the independence of the Judiciary. The state used the excuse that these cases have a political cause and are therefore not under the authority of the judiciary.

So far the situation of human rights in the country is not satisfactory. Human rights violations continue although the medium and methods of the violations has changed. The trend of impunity continues in the country. The Nepal Bar Association has initiated some positive steps towards eliminating the irregularities of the Court.

Explosions and abductions for the sake of ransom are continuing in the Tarai. People are facing problems and have been compelled to live under the shadow of terror due to the semi-military squads of political parties. The series of abductions, murder and abduction of civil servants has not stopped and has created various problems. The murder of Ram Hari Shrestha forced people to realize that the state does not have control of certain parts of the country. Acts of property seizures, the destruction of property, inhuman behaviour against children and the abduction and murder of people with various excuses continue. We were saddened by the death and uncovering of the bodies of Puskar Dangol and Nirmal Pant of Kathmandu found buried in Dhading district one month after their abduction.

As the country is in the process of making a new constitution, there is a need to be clear about the provision for human rights and an effective mechanism for its implementation. The Nepal Bar Association is of the opinion that discussions should be held in this regard to give a clear view and exert pressure for its implementation.

Journalism, which is considered as the fourth organ of the state in a democracy, is also insecure these days. The number of murders of journalists is rising.

The act of issuing press statements, drawing the attention of concerned stakeholders and initiating legal procedures are ongoing. Based on the information collected during human rights monitoring, the following conclusions can be drawn:

1. The series of murders and extra judicial killings are ongoing
2. There has been no end to impunity.
3. It is ironic that the whereabouts of disappeared people has not been made public.
4. Not returning captured properties and the failure of rehabilitation is a matter of concern.
5. There is no professional security. People are facing difficulty and different professionals are terrified.
6. People need the quick delivery of Justice and implementation of decisions.
7. The conditions in custody and Jail are a timely and relevant issue.
8. If racial, regional and communal feelings are not addressed there will be higher chances of a rise in human rights violations. The government, political parties and civil society should be cautious about it. The government and political parties should prepare the new constitution as per the time table. The country will receive closure from the conflict if all races, religions, and communities seek their rights through the democratic process.
9. There will be protection of human rights if all people respect the principle of co-existence and a democratic system is developed where all Nepali, wherever they are residing,

receive equal opportunities.

Other countries with a developed federal system formed one federal state with the concept that the state will be weak if there are too many states and they have been able to develop accordingly. The federalism of Nepal should be to bring all races, languages and religions into the mainstream of the state. We want to make sure that federalism is not intended to exclude certain races and regions.

Senior Advocate Bishow Kant Mainali
Chairperson

Federation of Nepalese Journalists

The country became a Federal Democratic Republic on 28 May following the historic election of the constituent assembly. The election of the constituent assembly was completed following the success of the historic 19-day April movement of 2006. With these historic achievements, the country is on the verge of institutionalizing the republic and is in the process of drafting a new constitution for a New Nepal.

As the country is passing through a transitional phase, the Nepali people have been forced to face adverse situations

even after the country entered into its republican era. There is no guarantee of Civil and Political, Economic, Social and Cultural rights of the people nor is the right to life respected while the tendency of impunity continues in the country.

From a human rights perspective, the present transition period is very challenging. Journalists are facing attacks and threats at their workplace. Obstruction of the collection and dissemination of news by journalists and even murder of journalists has been increasing. The rule (SASAN SAILI) of the state goes against the spirit of the international treaties that have been ratified by the state and is against the existing rules of the country. The Maoist party and the seven political parties that had signed the Comprehensive Peace Agreement on 20 November 2006 have been involved in a blame game rather than in implementing the provisions of the CPA and other agreements. These activities have been making a mockery of human rights, freedom of expression and freedom of press.

The two governments, one formed after the restoration of democracy and another government formed after republic, initiated some positive steps in terms of press freedom. The formation of a High Level Media Commission and the guarantee of press freedom as a fundamental right

are some positive aspects to this effect. But the commission is yet to be fully shaped. Hundreds of journalists have faced threats from various groups during this period. Dozens of journalists were displaced from their work stations because of the threats they received from various miscreants simply for doing their jobs.

Violations of the rights of journalists in 2009

S. No	Nature of the incident	No. of Victims
1	Murder	2
2	Arrest	52
3	Attack on journalist/media	114
4	Threats Misbehaviour to journalists/media	80
5	Obstruction on dissemination of Information	16
6	Fired from job	1
7	Closure of Publication	50
8	Abduction	2
9	Vandalization of vehicles	19
10	Sisplacement from working area	2
11	Looting	4
Total		342

The government failed to implement the Working Journalists Act and the Right to Information Law after giving full shape to these legislations.

The FNJ has a clear vision to persist in the institutional development of press freedom and human rights. In the context of the country becoming a Federal Democratic Republic, press freedom and freedom of expression should be a priority along with civil and political rights. The

FNJ believes that there should be a legal guarantee for access to information and the right to information. We also suggest INSEC, which always remains conscious of people's rights, to raise the issue of the protection and promotion of human rights indiscriminately in the days to come.

Poshan KC

General Secretary
Central Committee



ERW: Threats and Challenges

1. Background

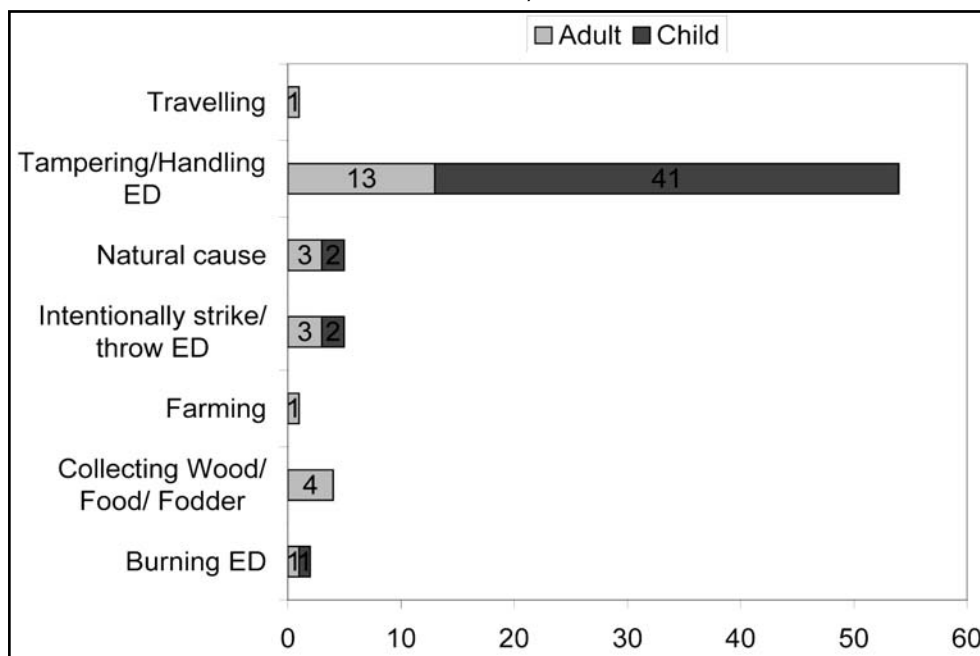
The general drop in casualties from victim-activated explosions after the Comprehensive Peace Agreement between the government and the CPN-Maoists is indicative of the declining threats posed by the Explosive Remnants of War (ERW). However, the increasing use of explosive devices by armed groups in Tarai-Madhes causing civilian casualties has cropped up as an issue, which needs to be addressed immediately so as to give a meaningful end to the efforts done for lasting peace. The government's reluctance to accede to Convention on Certain Conventional Weapons and Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel

Mines and on their Destruction or Ottawa Treaty has shown lack of government's policy to mitigate the indiscriminate effects of these weapons. The destruction of all improvised explosive devices at Maoist army cantonment sites and clearance of five minefields with the support of UNMIN Mine Action Unit is a strong step in making Nepal free from residual explosive remnants but more remains to be done as there are still 48 minefields to be cleared.¹

2. Highest Rate of Child Casualties

INSEC Surveillance System on victim-activated explosions shows a total of 37 incidents with 72 new civilian casualties in 24 districts in 2008. The percentage of

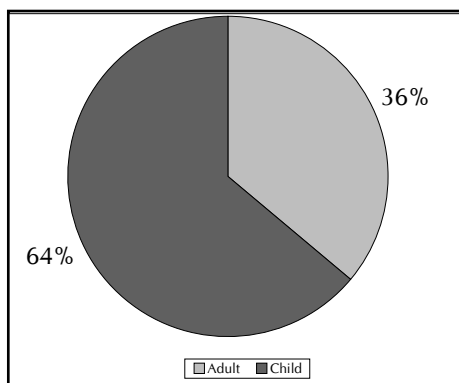
Figure : 1 Casualties by cause of incident
(January-December 2008)



1. United Nations Security Council. "Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process." (S/2008/670). 24 October 2008

Figure : 2

Casualties by Age
(January-December 2008)



civilian casualties has decreased by 31%, but the number of incidents remained similar. There were 104 civilian casualties with 13 deaths in 42 incidents of victim-activated explosions in 2007 while, 169 civilians were affected in 98 incidents with 31 deaths in 2006.² Nepal was among top 12 of the most affected countries in terms of new casualties from victim-activated explosions in 2007.³

Among the new casualties, 46 are children. The significant increase of the child-casualty rate (64% in 2008 up from 47% in 2007) gives Nepal one of the highest child-casualty rate from victim-activated explosions. 36% of the total number of victims were in the 10-14 age group (up from 16% in 2007). 31 percent of the casualties were women, a trend unfamiliar with countries affected

by ERW.⁴ There were four deaths, out of which, two civilians had died in Jajarkot while transferring socket bombs kept at their home by Maoists.⁵ Out of the 37 incidents, 16 occurred in or near the houses while six occurred in the road. Four incidents had occurred in the agricultural land. This shows that the contamination is mostly in those areas where the people are likely to visit frequently in their daily lives. Only two incidents were caused by mines while the rest were caused due to the activation of IEDs.

A woman was injured in Khotang while she was cutting grass outside the NA fenced area. It was believed that the landmine laid by NA to guard the telephone repeater tower had shifted from its original position due to landslide causing the incident.⁶ A man was injured in Dailekh when he activated a socket bomb as he was cleaning home. He returned home after being displaced by Maoists during the conflict period.⁷ Likewise, a boy was injured in Dailekh when he played with an explosive device left by a Maoist combatant from Shaktikhor cantonment in Chitwan. The Maoists combatant had come to the village on leave.⁸ The incident indicates that the Maoists still have access to such devices despite the commitment expressed in CPA that no side will use or transport the explosive device.

Out of the 37 incidents, 25 incidents had occurred in Tarai-Madhes districts,

2. "Report on Civilian Casualties of Victim Activated Explosions January-December 2007" http://www.inseconline.org/Mine_Report/INSEC__Surveillance_Report_2007.pdf accessed on 21 January 2008
3. ICBL. Landmine Monitor Report 2008. Canada : Mines Action Canada, 2008.
4. "Paramparagat Hatiyaarsambandhi Mahasandhima Nepalle Hastakshar Garnuparne." *Gorkhapatra*. 20 December 2008 p 3
5. "Report on Civilian Casualties of Victim Activated Explosions January-September 2008" http://www.inseconline.org/Mine_Report/INSEC%20Surveillance%20on%20Explosive%20Device%20Incidents%20Jan-September%202008.pdf accessed on 20 January 2008
6. *ibid*
7. *ibid*
8. "Child Injured in Explosion." [inseconline.org http://www.inseconline.org/archive_show2.php?newsid=3548](http://www.inseconline.org/archive_show2.php?newsid=3548) accessed on 20 January 2008

two of which were owned up by armed outfits.⁹ The rest 23 unclaimed incidents were also linked to the armed insurgent groups of Tarai-Madhes.

3. Tarai-Madhes: Increasing Use of Explosives

Though there is decrease in the incidents of explosions in hilly parts of the country, there is significant increase in incidents in Tarai-Madhes (81% up from 60%). The incidents of victim-activated explosions that occurred in the hilly regions were caused by explosive devices of Maoist-origin whereas almost all incidents in Tarai-Madhes occurred due to the devices left by armed outfits.¹⁰

Two incidents in Bara and Sarlahi were owned up by armed outfits where children were injured after they tampered with the explosive device placed by them.¹¹ The motive of these groups behind placing explosive devices in such places was to hurt and terrorize civilians.

Series of explosions rocked Tarai-Madhes throughout the year indicating fragile security situation in the region. Some outfits admitted carrying out explosions while rests were unclaimed. Two civilians were killed and 12 others, including four children, injured when cadres of Tarai Army, an underground outfit, detonated a pipe bomb at the bus park in Rautahat.¹² 14 persons were injured when a cylinder bomb went off at Land Revenue Office in Janakpur Municipality-4. Rajan Mukti-

led JTMM and Tarai Rastriya Mukti Sena owned up the blast.¹³ Tarai Army also caused simultaneous blasts in Pokhara injuring five persons.¹⁴ (These incidents of intentional explosions are not analysed in the charts).

Rampant use of explosives by armed groups in Tarai-Madhes has inflicted sufferings to innocent civilians. It is imperative that the government presses during talks with these groups to make them forego the use of explosive devices. Civil society and human rights groups should also come forward to discourage the insurgent groups to stop indiscriminate use and production of improvised explosive devices.

4. Threats and Challenges

United Nations Mission in Nepal (UNMIN)'s Mine Action Unit and Maoists PLA successfully completed the destruction of all improvised explosive devices at Maoist army cantonment sites. The Mine Action Unit also assisted NA in clearing five minefields.¹⁵ This will certainly mitigate the possible incidents of explosions.

Though clearance of 12 minefields were planned to be completed this year, only five were cleared.¹⁶ Taking this into account, one would assume that the clearance of remaining 48 minefields would take more years. The case of landmine clearance has not received the top priority like so many other issues after

9. "Child Injured in Explosion." inseconline.org
http://www.inseconline.org/news_detail.php?newsid=3420 accessed on 20 January 2008

10. *ibid* 5

11. *ibid* 8

12. "TA Detonates Bomb at Public Place, Two Killed, 12 Injured." http://www.inseconline.org/archive_show2.php?newsid=2880 accessed on 20 January 2008

13. "14 Injured in Blast at Land Revenue Office." http://www.inseconline.org/archive_show2.php?newsid=3391 accessed on 21 January 2008

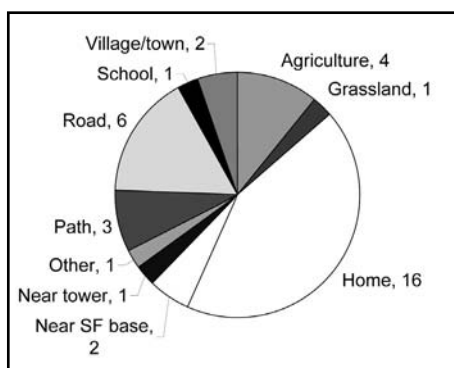
14. "Five Injured in Series of Explosions." http://www.inseconline.org/archive_show2.php?newsid=3043 accessed on 21 January 2008

15. *Ibid* 1

16. MAJWG meeting minutes. Kathmandu. 23 May 2008

Figure : 3

Incidents by place
(January-December 2008)



the signing of the peace pact.¹⁷

Though UNMIN Mine Action Unit envisaged of clearing all the minefields in five years, more NA personnel need to be trained in mine clearance techniques to achieve this goal.¹⁸ The NA, now supported by UN Mine Action Team for the demining process has the chance to make Nepal a mine impact free country.¹⁹

5. Conclusion

Almost 95 percent of the casualties had fallen victim to IEDs which underlines the urgency for Nepal to become a signatory to the CCW.²⁰ Protocol V of CCW deals with ERW, calling for parties to an armed conflict to mark and clear ERW in territory they control after a conflict and provide technical, material and financial assistance to facilitate removal of ERW that result from its operations located in areas they do not control. Though few articles in the CPA were 'inspired' by the spirit of CCW, lack of its implementation is visible.

Maoists are yet to disclose the locations where they stored their IEDs during the conflict.²¹ The incident in Dailekh where a returning IDP was injured after he touched a socket bomb is an indication that houses of persons displaced by Maoists are contaminated, jeopardizing their lives as they are not familiar with the new threats.

The incident in Dailekh where a child was injured while playing with an explosive device left by Maoist combatant has raised a suspicion that IEDs possessed by Maoist combatants may not have been completely destroyed. This incident is a breach of CPA where both sides had agreed not to transport explosives. CPA's clause number 5.1.1, 5.1.2, 5.1.4 says that both sides will not be laying mine and that they will share information regarding their caches and minefield in order to defuse and excavate them.

Signing the Ottawa Treaty would bind the government to destroy all of its stocks within four years and to demine within 10 years. This would also reveal the government's readiness to let go off mines.

The Government should improve the security situation in the Tarai-Madhes as incidents of violence in the region show no signs of receding. A strong presence of security personnel in porous border in the south, which till now creates easy opportunity for the transport and use of the explosives, would also minimize these incidents. The Government which has already held talks with some armed outfits should urge them to stop use of IEDs.²²

The National Mine Action Authority

17. "Landmine scare." *The Himalayan Times* 11 December 2008: 5-6

18. "Q & A with Grant Milthorpe, UNMIN's Senior Mine Action Advisor." <http://unmin.org.np/downloads/mine/2008-04-04-QnA.Mine.Action.ENG.pdf> accessed on 21 January

19. United Nations. Press Release. New York, 9 December 2008

20. UNICEF. Media Advisory. Kathmandu, 16 December 2008

21. "47 Bombs Found in a Bardiya House." *The Himalayan Times* 18 September 2008

22. "Integrate our fighters in NA: MVK." *ekantipur.com* <http://www.ekantipur.com/kolnews.php?&nid=169954> accessed on 22 January 2008

(NMAA), consisting of an inter-ministerial Steering Committee with strategic policy responsibility and an implementing Technical Committee, both under the auspices of the Ministry of Peace and Reconstruction has to take the leadership in mine action programmes. The national body which is yet to be functional needs to dedicate resources and work in a strategic way in the future on all five pillars of mine action work: clearance, mine risk education, victim assistance, advocacy and stockpile destruction.²³

6. Recommendations

The following steps should be undertaken for the reduction in the casualty rate and rehabilitation of the victims:

- Accede to main international

instruments Convention on Certain Conventional Weapons and Ottawa Treaty that address the issue of explosive devices

- Expedite the demining process
- Conduct mapping of houses captured by Maoists during the conflict and conduct clearance if found contaminated by IEDs
- Improve security condition in Tarai-Madhes districts
- Urge armed Tarai outfits to forego the use of IEDs
- Effective implementation of Mine Risk Education (MRE)
- Provide basic MRE to returning IDPs
- Provide support for victims of explosions



23. Ibid 16

Agreement between the Government of Nepal and the Samyukta Loktantrik Madhesi Morcha

Respecting the sentiments and aspirations of the Madhesi people of Nepal, expressed during the protests and movements that they have organized time and again for equal rights, this agreement was signed between the Government of Nepal and the Samyukta Loktantrik Madhesi Morcha, to ensure (the establishment of) a federal democratic republic in Nepal (with a) multiparty democratic system of governance, by guaranteeing equality, freedom and justice for all the nation's people, as well as by putting an end to all types of discrimination. This agreement will be immediately implemented. The points of the agreement are as follows.

1. The state shall declare as martyrs those who were killed during the Madhes movement and shall provide adequate compensation to those maimed and those who are yet to receive compensation. Similarly, arrangements shall be made for those injured during the movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided Rs 1 million as relief, and those arrested shall be immediately released.
2. By accepting the Madhesi people's call for an autonomous Madhes and other people's desire for a federal structure with autonomous regions, Nepal shall become a federal democratic republic. In the federal structure, power shall be divided between the centre and

states in a clear manner according to the (constitutional) list. The states shall be fully autonomous and shall enjoy full rights. By keeping Nepal's sovereignty and integrity intact, the decision regarding details of the (constitutional) list and the division of power between the centre and the states shall be made by the Constituent Assembly.

3. The existing legal provision for 20 percent, in Sub-section 14 of Section 7 of the Election of Members to the Constituent Assembly Act 2064, shall be changed to 30 percent.
4. It shall be mandatory for the state to carry out appointments, promotions and nominations in a manner such that there is inclusive proportional representation of Madhesi, indigenous nationalities, women, Dalits, (people from) backward regions and minority communities in all state bodies, including the security sector.
5. Proportional, inclusive and group entry [tr. entry in the army as a group] of Madhesi and other communities shall be ensured in order to give the Nepal Army a national and inclusive character.
6. The Government of Nepal and the Samyukta Loktantrik Madhesi Morcha request all armed groups agitating in the Tarai to come to talks for a peaceful political process and to find a solution through dialogue. The Government of Nepal will take immediate steps to create a conducive environment for this purpose. We appeal to everyone to help conduct the Constituent Assembly election on 10 April in a peaceful, violence-free, impartial, fair and fear-free environment.
7. The Government of Nepal will

immediately release all those who have been detained, withdraw cases filed against Madhesi leaders and party cadres of the Forum as well as of other parties, and immediately implement all other points of the 22-point Agreement signed between the Government of Nepal and the Madhesi Janadhikar Forum on 30 August 2007 (2064 Bhadau 13).

8. All the protest programmes called by the Samyukta Loktantrik Madhesi Morcha shall be immediately withdrawn.

The Government of Nepal will be responsible for the constitutional, legal, political and administrative aspects of the points of this agreement. The government shall form a high-level monitoring committee including members of the Morcha to monitor the implementation of this agreement.

Signatories to the Agreement:

[Signed]

Girija Prasad Koirala
Prime Minister
Government of Nepal

[Signed]

Upendra Yadav
Central Coordinator
Madhesi Janadhikar Forum

[Signed]

Rajendra Mahato
National Chairman
Sadbhavana Party

[Signed]

Mahantha Thakur
Chairman
Terai Madhes Loktantrik Party

28 February 2008 (2064 Phagun 16)

[Unofficial translation from the original Nepali]

Full text of ex-King Gyanendra's statement (11th June 08)

Dear Nepalese brothers and sisters,

This country which came into being 240 years back as a garden of four castes and thirty-six sub castes as imagined and established by our ancestor His Majesty, the Great King Prithvi Narayan Shah, is going through a period of very serious and sensitive upheaval. It is well known that the Nepalese Monarchy which has always been activated for people's prosperity and progress has always been working together and cooperating with the happiness and woes of Nepali people. Burning examples of that are unification, preservation of nationalism, democratisation and modernisation through the united effort of the king and national integrity as equivalent to the value of our lives. Our committed energised feelings towards these values and standards have remained constant from the past and are equally strong in the present and will remain so in the future.

I would like to inform everybody concerned that when seven years back because of an unnatural, unexpected and tragic incident while shouldering the responsibility of the Head of the State according to the national heritage and ages of old monarchical traditions, I had no other interests except considerations for the sovereignty, independence, national pride, territorial integrity, peace and the institutional development of democracy, and overall progress of all the citizens. In the then Hindu kingdom of Nepal, the birth place of Buddha the efforts started, with the best of intention trying to ensure the peace and prosperity in the country were not successful overtime, which I have already accepted earlier. The chain



of events and ensuing results are obvious to everybody like an open book.

I would like to express, with God as my witness, certain things which I couldn't express earlier because of my official responsibilities but which was troubling my inner heart all the time, through you dear journalist, friends to my Nepalese brothers and sisters and the international community. May be we should call it destiny that when I was innocent child, I had neither any wish nor desire nor any possibility of having a distinct role except the compulsion to have to quietly accept the crown. Likewise, for the second time when an unimaginable and horrifying event took place on the night of Jestha 19th, 2058, I could not express through word my internal pain when I was compelled and tied up by the chains of tradition and duty without being even able to shed tears over the mortal remains of those respected and beloved family members and lighten the burden of pain at the gruesome destruction of my close relatives. Even at that time some people blamed and accused me and my family with great indiscretion and cruelty but we had no alternative but to tolerate that too, nor were there people who spoke on our behalf. Being prejudiced against me and my family members the efforts which were continuously started through different means by taking advantage of those circumstances and events, have been very painful to us and are still so. Other members of the Royal Family who were wounded but survived the incident in the Royal Palace are still alive. They are also witness to it. The bullet fragments which couldn't be taken out for technical reasons are still in the body of my wife who was also wounded and survived. The detailed facts had also come out from the medical doctors involved in their treatment. The high level Royal Investigation Commission

had already made public the detailed report about the incident. When all the Nepalese people and the Royal Family were overwhelmed with grief, at that time, to level accusations and blame in this way seems to be a strategy to damage the goodwill of the Nepalese people towards the institution of Monarchy and to spread ill will, which was also not compatible with human suffering.

Likewise, I have also heard false rumours about allegations that I have property abroad. All my property is in Nepal. I have no movable or immovable property in foreign lands. The property which had been bequeathed to me from my ancestors, according to Nepalese laws is also not in my name and I have institutionalised it maintaining that property and have only conserved it. During the last seven years neither have I added any property nor have I taken any action by which the traditional property has been reduced. I have not also usurped the right to property of any member of the Royal Family. I believe that I would also have rights to maintain private property according to the prevalent laws of Nepal.

Respecting Constitutional Assembly elections and the decision taken by the constituent assembly meeting on Jestha 15th, I am cooperating in every way towards the successful implementation of that decision. I have also not thought of leaving the country. I would like to live in my own Motherland and contribute in whatever way possible to greater good of the country and peace in this land. I believe that there will be support for this from all sectors.

I pledge to be completely dedicated to the independence and territorial integrity of the nation of Nepal which was formed and has remained independent and sovereign because of the blood, sweat and sacrifice of the great

ancestors of us Nepalese, wherever and whatever circumstances I may be in. I love the independence of this nation. My feelings and sentiments are that of sanctity, indivisibility and original values of this independent nation should always be preserved. My heartfelt good wishes are for the overall welfare of the self-respecting common Nepalese people.

May Lord Pashupatinath bless us all.

Jaya Nepal

(Speech delivered by ex-king during a press conference organized before leaving Narayanhiti palace)

Agreement between the Government and Haliyas

A meeting between Government talks team and Rastriya Haliya Mukti Samaj Mahasangh (National Haliya Liberation Society Federation) held at the Ministry of Peace and Reconstruction on 5 September 2008, Friday reached into following agreements:

1. Nepal Government will formally declare Haliya emancipation along with dismissing the debt of Haliya who have lived under slavery for decades.
2. Formation of a nine-member task force, comprising six people from Haliyas and concerned people and three persons from government authorities, to study the 11-point

demands of Rastriya Haliya Mukti Samaj Mahasangh and to do concrete work. The taskforce will submit its report within 15 days of formation.

3. Provide necessary security to Agitating Haliyas and their families.
4. Being positive towards 11-point demands put forth by the Rastriya Haliya Mukti Samaj Mahasangh the government will initiate work for resolving the problem as per the recommendations of the task force.
5. All the protest programmes of Rastriya Haliya Mukti Samaj Mahasangh shall be immediately withdrawn.

Signatories to the Agreement:

On behalf of Government talks team

[Signed]

Janardan Sharma 'Prabhakar'

Minister, Peace and Reconstruction

On behalf of Rastriya Haliya Mukti Samah Mahasangh

[Signed]

Rajuram Bhul

[Signed]

Hari Shripaeli

[Signed]

Chakra BK

[Signed]

Bhakta Bishwokarma

[Unofficial translation from Nepali text]



Annex 6

Name of Contributors in Course of Preparation of Yearbook 2009

Contributors to Chapters

Chapter 2 : Challenges of Constitution Drafting Process - Prekshya Ojha

Chapter 3 : State and Human Rights

3.1 Judiciary and Human Rights - Bidhya Chapagain

3.2 Executive and Human Rights - Yogish Kharel

3.3 Legislature and Human Rights - Madan Paudel

Annex 4 : ERW: Threats and Challenges (Report) - Neer Lama

Chronology Compilation

1. Raju Pasawan

2. Gopi Krishna Bhattarai

District Representatives

Eastern Region

- 1.1 Jhapa - Arjun Kumar Basnet
- 1.2 Ilam - Asok Kumar Rai
- 1.3 Panchthar - Krishna Ojha
- 1.4 Taplejung - Chandra Prakash Bhattarai
- 1.5 Morang - Deepen Neupane
- 1.6 Sunsari - Shukdev Chaudhary
- 1.7 Dhankuta - Gita Adhikari
- 1.8 Tehrathum - Chhatra Rimal
- 1.9 Bhojpur - Gyanendra Khadka
- 1.10 Sankhuwasabha - Leela Prasad Shrestha
- 1.11 Saptari - Prakash Khatiwada
- 1.12 Siraha - Dev Raj Pokhrel
- 1.13 Udaypur - Kushal Babu Basnet
- 1.14 Khotang - Lok Nath Ghimire
- 1.15 Okhaldhunga - Guru Bahadur Basnet
- 1.16 Solukhumbu - Bed Prasad Rai

Mid Region

- 2.1 Dhanusha - Roshandip Dhakal
- 2.2 Mahottari - Ishwari Kaphle
- 2.3 Sarlahi - Bidur Pyakurel

- 2.4 Sindhuli - Anand Prasad Dahal
- 2.5 Ramechhap - Nava Raj Pathik
- 2.6 Dolakha - Uddhav Pokhrel
- 2.7 Rautahat - Bipin Gautam
- 2.8 Bara - Roshan Raj Aryal
- 2.9 Parsa - Prem Karki
- 2.10 Chitwan - Mukunda Dahal
- 2.11 Makawanpur - Pratap Bista
- 2.12 Lalitpur - Gopi Krishna Bhattarai
- 2.13 Kavrepalanchowk - Bhoj Raj Timalaina
- 2.14 Bhaktapur - Akur Neupane
- 2.15 Kathmandu - Raju Paswan
- 2.16 Dhading - Sita Ram Adhikari
- 2.17 Sindhupalchowk - Natibabu Dhital
- 2.18 Nuwakot - Keshav Mishra
- 2.19 Rasuwa - Hem Nath Khatiwada

Western Region

- 3.1 Tanahun - Prakash Chandra Bhattarai
- 3.2 Gorkha - Bhim Lal Shrestha
- 3.3 Lamjung - Krishna Prasad Adhikari
- 3.4 Syanja - Nirmala Tiwari
- 3.5 Kaski - Tanka Khanal
- 3.6 Manang - Kaman Bahadur Gurung
- 3.7 Nawalparasi - Narayan Parajuli
- 3.8 Rupandehi - Bhisma Raj Panthi/Amrit Giri
- 3.9 Palpa - Durga Neupane
- 3.10 Kapilvasti - Nanda Ram Poudel
- 3.11 Arghakhanchi - Khim Prasad Marasini
- 3.12 Gulmi - Dilsova Pun/Hira Kunwar
- 3.13 Baglung - Ram Bahadur G.C.
- 3.14 Parvat - Madhav Raj Pandey
- 3.15 Myagdi - Ghanashyam Khadka
- 3.16 Mustang - Chandra Bahadur Gurung

Mid-western Region

- 4.1 Dang - Bimal Kumar Adhikari
- 4.2 Pyuthan - Mahendra Prasad Shrestha
- 4.3 Rolpa - Ghanashyam Acharya
- 4.4 Salyan - Rom Prakash Thapa
- 4.5 Rukum - Jivan Khadka

4.6	Banke	- Shipra Shrestha/ Narayan Subedi	INSEC Regional Offices
4.7	Bardiya	- Narayan Subedi/ Man Bahadur Chaudary	Eastern Region
4.8	Surkhet	- Durga Thapa	1. Som Raj Thapa
4.9	Jajarkot	- Raju Kumar Shakya	2. Dipak Raj Tiwari
4.10	Dailekh	- Naman Kumar Shahi	Mid Region
4.11	Dolpa	- Bishnu Lal Budha	1. Krishna Gautam
4.12	Jumla	- Rajendra Mahat/ Rajendra Neupane	2. Ganesh Bhandari
4.13	Kalikot	- Kali Bahadur Malla	Western Region
4.14	Mugu	- Jivan Sijwal	1. Madan Paudel
4.15	Humla	- Ramesh Aidi	2. Tanka Khanal
Far-western Region			Mid-western Region
5.1	Kailali	- Krishna Bahadur B.K.	1. Bhola Mahat
5.2	Achham	- Ratan Bahadur Rawal	2. Bal Krishna Basnet
5.3	Doti	- Lav Dev Bhatta	Far-western Region
5.4	Bajura	- Arjun Shah	1. Khadak Raj Joshi
5.5	Bajhang	- Prakash B.K.	2. Krishna BK
5.6	Kanchanpur	- Yubaraj Ghimire	Resource Centre: INSEC Library
5.7	Dadeldhura	- Keshav Bohora	
5.8	Baitadi	- Sher Bahadur Chand	
5.9	Darchula	- Madan Singh Dhimi	

Best District Representatives

As in the last year, we have selected the following representatives as the 'excellent representative' (one) and other five as 'best representatives'.

EXCELLENT REPRESENTATIVE

Jivan Khadka

Rukum

BEST REPRESENTATIVES

Dev Raj Pokhrel

Siraha, Eastern Region

Bhoj Raj Timalisina

Kavre, Mid Region

Krishna Prasad Adhikari

Lamjung, Western Region

Rajendra Neupane

Jumla, Mid-western Region

Ratan Bahadur Rawal

Achham, Far-western Region





The year 2008 began with the uncertainty hovering over the CA elections. The law and order situation had deteriorated because of the unruly activities of the Maoist cadres, a major party in the coalition government. Nonetheless, people were hopeful that the success of the CA elections would lead the country towards a successful conclusion of the peace process. But as soon as the CA elections were held, the country was caught up in another political turmoil. The new government was formed amidst an environment of disputes and disagreements. The formation of the new government did not give an impression of improvement in the law and order situation in the country nor an improvement in respect for the rule of law.

The year 2008 bid farewell amidst concerns over the successful drafting of the Constitution due to the increasing differences among the political parties in the government and those out of it.



For Human Rights & Social Justice

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